S/INF/64

Resolutions and Decisions of the Security Council

1 August 2008 – 31 July 2009

Security Council
Official Records

United Nations • New York, 2009

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NOTE

The present volume of *Resolutions and Decisions of the Security Council* contains the resolutions adopted and the decisions taken by the Council on substantive questions during the period from 1 August 2008 to 31 July 2009, as well as decisions on some of the more important procedural matters. The resolutions and decisions are set out in parts I and II, under general headings indicating the questions under consideration. In each part, the questions are arranged according to the date on which they were first taken up by the Council, and under each question the resolutions and decisions appear in chronological order.

The resolutions are numbered in the order of their adoption. Each resolution is followed by the result of the vote. Decisions are usually taken without a vote.

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Membership of the Security Council in 2008 and 2009

In 2008 and 2009, the membership of the Security Council was as follows:

2008	**2009**
Belgium	Austria
Burkina Faso	Burkina Faso
China	China
Costa Rica	Costa Rica
Croatia	Croatia
France	France
Indonesia	Japan
Italy	Libyan Arab Jamahiriya
Libyan Arab Jamahiriya	Mexico
Panama	Russian Federation
Russian Federation	Turkey
South Africa	Uganda
United Kingdom of Great Britain and Northern Ireland	United Kingdom of Great Britain and Northern Ireland
United States of America	United States of America
Viet Nam	Viet Nam

Resolutions adopted and decisions taken by the Security Council from 1 August 2008 to 31 July 2009

Part I. Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

ITEMS RELATING TO THE SITUATION IN THE MIDDLE EAST

A. The situation in the Middle East, including the Palestinian question[1]

Decisions

At its 5963rd meeting, on 20 August 2008, the Security Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 5974th meeting, on 18 September 2008, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Robert H. Serry, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 5983rd meeting, on 26 September 2008, the Council decided to invite the representatives of Israel and Saudi Arabia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Middle East, including the Palestinian question

> "Letter dated 22 September 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council (S/2008/615)".

At the same meeting, the Council also decided to extend an invitation to Mr. Mahmoud Abbas, President of the Palestinian Authority, in response to the request dated 25 September 2008 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Council,[2] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Amre Moussa, Secretary General of the League of Arab States in response to the request dated 25 September 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Council.

At its 5999th meeting, on 22 October 2008, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

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[1] Resolutions or decisions on this question were first adopted by the Security Council in 2000.

[2] Document S/2008/623, incorporated in the record of the 5983rd meeting.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 6022nd meeting, on 25 November 2008, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 6030th meeting, on 3 December 2008, the Council decided to invite the representative of Israel to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 3 December 2008 to the President of the Council,[3] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At its 6045th meeting, on 16 December 2008, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

Resolution 1850 (2008)
of 16 December 2008

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003, and the Madrid principles,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Welcoming the statement by the Quartet of 9 November 2008[4] and the Israeli-Palestinian Joint Understanding announced at the conference held in Annapolis, United States of America, on 27 November 2007,[5] including in relation to the implementation of the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6]

Noting that lasting peace can only be based on an enduring commitment to mutual recognition, freedom from violence, incitement and terror, and the two-State solution, building upon previous agreements and obligations,

Noting also the importance of the 2002 Arab Peace Initiative,[7]

Encouraging the ongoing work of the Quartet to support the parties in their efforts to achieve a comprehensive, just and lasting peace in the Middle East,

1. *Declares* its support for the negotiations initiated at Annapolis, United States of America, on 27 November 2007 and its commitment to the irreversibility of the bilateral negotiations;

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[3] Document S/2008/755, incorporated in the record of the 6030th meeting.

[4] Available from www.unsco.org.

[5] Available from http://unispal.un.org.

[6] S/2003/529, annex.

[7] S/2002/932, annex II, resolution 14/221.

2. *Supports* the parties' agreed principles for the bilateral negotiating process and their determined efforts to reach their goal of concluding a peace treaty resolving all outstanding issues, including all core issues, without exception, which confirm the seriousness of the Annapolis process;

3. *Calls upon* both parties to fulfil their obligations under the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6] as stated in their Annapolis Joint Understanding,[5] and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations;

4. *Calls upon* all States and international organizations to contribute to an atmosphere conducive to negotiations and to support the Palestinian government that is committed to the Quartet principles and the Arab Peace Initiative[7] and respects the commitments of the Palestine Liberation Organization, to assist in the development of the Palestinian economy, to maximize the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building programme in preparation for statehood;

5. *Urges* an intensification of diplomatic efforts to foster, in parallel with progress in the bilateral process, mutual recognition and peaceful coexistence between all States in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East;

6. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

7. *Decides* to remain seized of the matter.

Adopted at the 6045th meeting
by 14 votes to none, with 1 abstention
(Libyan Arab Jamahiriya).

Decisions

At its 6049th meeting, on 18 December 2008, the Security Council decided to invite the representatives of Australia, Brazil, Cuba, Iceland, Iran (Islamic Republic of), Israel, Japan, Lebanon, Morocco, Norway, Pakistan, Qatar, the Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to the request dated 11 December 2008 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine addressed to the President of the Council,[8] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Robert H. Serry, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At the same meeting, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in response to his request dated 15 December 2008.

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[8] Document S/2008/794, incorporated in the record of the 6049th meeting.

At its 6060th meeting, on 31 December 2008, the Council decided to invite the representatives of Egypt and Israel to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Middle East, including the Palestinian question

> "Letter dated 31 December 2008 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2008/842)
>
> "Letter dated 31 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/2008/843)".

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 31 December 2008 to the President of the Council,[9] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer for the League of Arab States to the United Nations, in response to the request dated 31 December 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Council.

At its 6061st meeting, on 6 January 2009, the Council decided to invite the representatives of Egypt (Minister for Foreign Affairs), Israel, Jordan (Minister for Foreign Affairs), Lebanon (Minister for Foreign Affairs and Emigrants), Morocco (Minister for Foreign Affairs), Norway (Minister for Foreign Affairs), Qatar (Minister of State for Foreign Affairs) and Saudi Arabia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, the Council also decided to extend an invitation to Mr. Mahmoud Abbas, President of the Palestinian Authority, in response to the request dated 6 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Council,[10] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Amre Moussa, Secretary General of the League of Arab States.

Upon resumption of the meeting, on 7 January 2009, the Council decided to invite the representatives of Argentina, Australia, Bolivia, Brazil, Cuba, the Czech Republic, Ecuador, Iceland, Indonesia, Iran (Islamic Republic of), Malaysia, Nicaragua, Pakistan, Paraguay and Venezuela (Bolivarian Republic of) to participate, without vote, in the discussion of the item.

At the same meeting, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in response to his request dated 7 January 2009.

At its 6063rd meeting, on 8 January 2009, the Council decided to invite the representatives of Egypt (Minister for Foreign Affairs), Israel and Saudi Arabia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".

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[9] Document S/2008/844, incorporated in the record of the 6060th meeting.

[10] S/2009/9.

At the same meeting, the Council also decided to extend an invitation to the Minister for Foreign Affairs of the Palestinian Authority, in response to the request dated 8 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Council,[11] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

Resolution 1860 (2009)
of 8 January 2009

The Security Council,

Recalling all its relevant resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008,

Stressing that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian State,

Emphasizing the importance of the safety and well-being of all civilians,

Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm, and emphasizing that the Palestinian and Israeli civilian populations must be protected,

Expressing grave concern also at the deepening humanitarian crisis in Gaza,

Emphasizing the need to ensure sustained and regular flow of goods and people through the Gaza crossings,

Recognizing the vital role played by the United Nations Relief and Works Agency for Palestine Refugees in the Near East in providing humanitarian and economic assistance within Gaza,

Recalling that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means,

Reaffirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Stresses* the urgency of and calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

2. *Calls for* the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment;

3. *Welcomes* the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

4. *Calls upon* Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and through the Ad Hoc Liaison Committee;

5. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;

6. *Calls upon* Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained reopening of the crossing points on the basis of

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[11] S/2009/24.

the Agreement on Movement and Access of 15 November 2005 between the Palestinian Authority and Israel, and in this regard welcomes the Egyptian initiative and other regional and international efforts that are under way;

7. *Encourages* tangible steps towards intra-Palestinian reconciliation, including in support of mediation efforts of Egypt and the League of Arab States as expressed in the resolution of 26 November 2008, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;

8. *Calls for* renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative;[7]

9. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

10. *Decides* to remain seized of the matter.

Adopted at the 6063rd meeting
by 14 votes to none, with 1 abstention
(United States of America).

Decisions

At its 6072nd meeting, on 21 January 2009, the Security Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 6077th meeting, on 27 January 2009, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Ms. Karen Koning AbuZayd, Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

At its 6084th meeting, on 18 February 2009, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Robert H. Serry, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 6100th meeting, on 25 March 2009, the Council decided to invite the representatives of Algeria, Australia, Bangladesh, Brazil, Cuba, the Czech Republic, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Norway, Pakistan, Qatar, the Republic of Korea, South Africa, the Syrian Arab Republic and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".[12]

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[12] Afghanistan did not submit a request to be invited to participate; its listing in S/PV.6100 was a technical error.

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 23 March 2009 to the President of the Council,[13] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At the same meeting, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in response to his request dated 20 March 2009.

At its 6107th meeting, on 20 April 2009, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 6123rd meeting, on 11 May 2009, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[14]

> "The Security Council stresses the urgency of reaching comprehensive peace in the Middle East. Vigorous diplomatic action is needed to attain the goal set by the international community – lasting peace in the region, based on an enduring commitment to mutual recognition, freedom from violence, incitement and terror, and the two-State solution, building upon previous agreements and obligations.
>
> "In this context, the Council recalls all its previous resolutions on the Middle East, in particular resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009), and the Madrid principles, and the Council notes the importance of the 2002 Arab Peace Initiative.[7]
>
> "The Council encourages the ongoing work of the Quartet to support the parties in their efforts to achieve a comprehensive, just and lasting peace in the Middle East.
>
> "The Council reiterates its commitment to the irreversibility of the bilateral negotiations built upon previous agreements and obligations. The Council reiterates its call for renewed and urgent efforts by the parties and the international community to achieve a comprehensive, just and lasting peace in the Middle East, based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders.
>
> "The Council further calls upon the parties to fulfil their obligations under the performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[6] refraining from any steps that could undermine confidence or prejudice the outcome of negotiations on all core issues.
>
> "The Council calls upon all States and international organizations to support the Palestinian government that is committed to the Quartet principles and the Arab Peace Initiative and respects the commitments of the Palestine Liberation Organization, and the Council encourages tangible steps towards intra-Palestinian reconciliation, including in

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[13] Document S/2009/153, incorporated in the record of the 6100th meeting.

[14] S/PRST/2009/14.

> support of Egypt's efforts, on this basis. It calls for assistance to help develop the Palestinian economy, to maximize the resources available to the Palestinian Authority and to build Palestinian institutions.
>
> "The Council supports the proposal of the Russian Federation to convene, in consultation with the Quartet and the parties, an international conference on the Middle East peace process in Moscow in 2009."

At its 6150th meeting, on 23 June 2009, the Council considered the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Robert H. Serry, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

At its 6171st meeting, on 27 July 2009, the Council decided to invite the representatives of Bangladesh, Brazil, Cuba, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Morocco, Nicaragua, Norway, Pakistan, Qatar, Saudi Arabia, South Africa, Sweden, Switzerland, the Syrian Arab Republic and Tunisia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Middle East, including the Palestinian question".

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to the request dated 22 July 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the President of the Council,[15] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Oscar Fernandez-Taranco, Assistant Secretary-General for Political Affairs.

B. The situation in the Middle East[16]

Decisions

On 1 August 2008, the President of the Security Council addressed the following letter to the Secretary-General:[17]

> "I have the honour to inform you that your letter dated 30 July 2008 concerning your intention to appoint Mr. Michael C. Williams, of the United Kingdom of Great Britain and Northern Ireland, as the United Nations Special Coordinator for Lebanon[18] has been brought to the attention of the members of the Security Council. They take note of the information and intention contained in your letter."

At its 5967th meeting, on 27 August 2008, the Council decided to invite the representatives of Israel and Lebanon to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Middle East

> "Letter dated 21 August 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/568)".

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[15] Document S/2009/380, incorporated in the record of the 6171st meeting.

[16] Resolutions or decisions on this question were first adopted by the Security Council in 1967.

[17] S/2008/517.

[18] S/2008/516.

Resolution 1832 (2008)
of 27 August 2008

The Security Council,

Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978, 1559 (2004) of 2 September 2004, 1680 (2006) of 17 May 2006, 1701 (2006) of 11 August 2006 and 1773 (2007) of 24 August 2007, as well as the statements by its President on the situation in Lebanon,

Responding to the request of the Government of Lebanon to extend the mandate of the United Nations Interim Force in Lebanon for a new period of one year, without amendment, presented in a letter dated 18 August 2008 from the Prime Minister of Lebanon to the Secretary-General, and welcoming the letter dated 21 August 2008 from the Secretary-General to the President of the Security Council recommending this extension,[19]

Reaffirming its commitment to the full implementation of all provisions of resolution 1701 (2006), and aware of its responsibilities to help to secure a permanent ceasefire and a long-term solution as envisioned in the resolution,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel,[20]

Commending the active role and dedication of the personnel of the Force, notably of its Commander, expressing its strong appreciation to Member States that contribute to the Force, and underlining the necessity that the Force have at its disposal all necessary means and equipment to carry out its mandate,

Determining that the situation in Lebanon continues to constitute a threat to international peace and security,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon until 31 August 2009;

2. *Commends* the positive role of the Force, whose deployment together with the Lebanese Armed Forces has helped to establish a new strategic environment in southern Lebanon, welcomes the expansion of coordinated activities between the Force and the Lebanese Armed Forces, and encourages further enhancement of this cooperation;

3. *Calls upon* all parties concerned to respect the cessation of hostilities and the Blue Line in its entirety, to cooperate fully with the United Nations and the Force and to abide scrupulously by their obligation to respect the safety of the Force and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel and by ensuring that the Force is accorded full freedom of movement within its area of operation;

4. *Calls upon* all parties to cooperate fully with the Security Council and the Secretary-General to achieve a permanent ceasefire and a long-term solution as envisioned in resolution 1701 (2006), and emphasizes the need for greater progress in this regard;

5. *Welcomes* the efforts being undertaken by the Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

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[19] S/2008/568.

[20] United Nations, *Treaty Series*, vol. 2051, No. 35457.

6. *Requests* the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006) every four months, or at any time as he deems appropriate;

7. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1515 (2003) of 19 November 2003;

8. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5967th meeting.

Decisions

At its 6008th meeting, on 30 October 2008, the Security Council decided to invite the representative of Lebanon to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Middle East

> "Eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2008/654)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, Special Envoy of the Secretary-General for the Implementation of Security Council Resolution 1559 (2004).

At its 6039th meeting, on 12 December 2008, the Council considered the item entitled:

"The situation in the Middle East

> "Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2008/737)".

Resolution 1848 (2008)
of 12 December 2008

The Security Council,

Having considered the report of the Secretary-General of 26 November 2008 on the United Nations Disengagement Observer Force,[21] and reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Welcomes* the efforts being undertaken by the United Nations Disengagement Observer Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

3. *Decides* to renew the mandate of the Force for a period of six months, that is, until 30 June 2009;

4. *Requests* the Secretary-General to submit, at the end of this period, a report on developments in the situation and the measures taken to implement resolution 338 (1973).

Adopted unanimously at the 6039th meeting.

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[21] S/2008/737.

Decisions

At the 6039th meeting also, following the adoption of resolution 1848 (2008), the President of the Security Council made the following statement on behalf of the Council:[22]

> "In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:
>
>> 'As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force[21] states in paragraph 11: "... the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached". That statement of the Secretary-General reflects the view of the Security Council.' "

At its 6047th meeting, on 17 December 2008, the Council decided to invite the representative of Lebanon to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in the Middle East
>
>> "Letter dated 2 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/752)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Daniel Bellemare, Commissioner of the International Independent Investigation Commission.

At its 6048th meeting, on 17 December 2008, the Council decided to invite the representative of Lebanon to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in the Middle East
>
>> "Letter dated 2 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/752)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Daniel Bellemare, Commissioner of the International Independent Investigation Commission.

Resolution 1852 (2008)
of 17 December 2008

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005, 1644 (2005) of 15 December 2005, 1664 (2006) of 29 March 2006, 1686 (2006) of 15 June 2006, 1748 (2007) of 27 March 2007, 1757 (2007) of 30 May 2007, 1815 (2008) of 2 June 2008, 1373 (2001) of 28 September 2001 and 1566 (2004) of 8 October 2004,

Reaffirming its strongest condemnation of the terrorist bombing of 14 February 2005, as well as of all other attacks in Lebanon since October 2004, and reaffirming also that those involved in these attacks must be held accountable for their crimes,

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[22] S/PRST/2008/46.

Having examined the report of the International Independent Investigation Commission ("the Commission"), submitted pursuant to resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006), 1748 (2007) and 1815 (2008),[23]

Taking note of the announcement by the Secretary-General that the Special Tribunal for Lebanon ("the Tribunal") is fully on track to commence functioning on 1 March 2009,

Taking note also of the request of the Commission to extend its mandate until 28 February 2009 so that it can continue its investigation without interruption and gradually transfer operations, staff and assets to The Hague with a view to completing the transition by the time the Tribunal starts functioning,

Taking note further of the letter dated 4 December 2008 from the Prime Minister of Lebanon to the Secretary-General expressing the hope that the Council will respond favourably to the request of the Commission,[24]

Commending the Commission for its extensive work and the progress it continues to achieve in the investigation of all cases within its mandate, and looking forward to further progress in this regard by the Commission as well as by the Office of the Prosecutor, once it begins to operate and takes over the continuation of the investigation into the death of former Prime Minister Rafiq Hariri and other cases which may be connected with the attack of 14 February 2005, in conformity with the statute of the Tribunal,[25]

Recognizing the commitment of Member States to the work of the Commission, and underlining the importance of the continuation of their full cooperation with the Commission and, once it begins to operate, with the Office of the Prosecutor, in accordance with resolution 1757 (2007), in order to enable effective investigations and prosecutions,

1. *Welcomes* the report of the Commission;[23]

2. *Decides* to extend the mandate of the Commission until 28 February 2009;

3. *Decides also* to remain seized of the matter.

Adopted unanimously at the 6048th meeting.

Decisions

On 29 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[26]

> "I have the honour to inform you that your letter dated 18 December 2008 concerning your decision, in accordance with article 19, paragraph 2, of the annex to Security Council resolution 1757 (2007), to commence the Special Tribunal for Lebanon on 1 March 2009[27] has been brought to the attention of the members of the Council. They take note of the decision and information conveyed in your letter."

On 14 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[28]

> "I have the honour to inform you that your letter dated 9 January 2009 concerning your intention to appoint Major General Robert Mood, of Norway, as the Head of Mission

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[23] See S/2008/752.

[24] S/2008/764, annex.

[25] See resolution 1757 (2007), annex.

[26] S/2008/825.

[27] S/2008/824.

[28] S/2009/35.

and Chief of Staff of the United Nations Truce Supervision Organization[29] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6120th meeting, on 7 May 2009, the Council decided to invite the representative of Lebanon to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Middle East

> "Ninth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2009/218)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Terje Roed-Larsen, Special Envoy of the Secretary-General for the Implementation of Security Council Resolution 1559 (2004).

At its 6148th meeting, on 23 June 2009, the Council considered the item entitled:

"The situation in the Middle East

> "Report of the Secretary-General on the United Nations Disengagement Observer Force (S/2009/295)".

Resolution 1875 (2009)
of 23 June 2009

The Security Council,

Having considered the report of the Secretary-General of 8 June 2009 on the United Nations Disengagement Observer Force,[30] and reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Welcomes* the efforts being undertaken by the United Nations Disengagement Observer Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

3. *Decides* to renew the mandate of the Force for a period of six months, that is, until 31 December 2009;

4. *Requests* the Secretary-General to submit, at the end of this period, a report on developments in the situation and the measures taken to implement resolution 338 (1973).

Adopted unanimously at the 6148th meeting.

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[29] S/2009/34.

[30] S/2009/295.

Decision

At the 6148th meeting also, following the adoption of resolution 1875 (2009), the President of the Security Council made the following statement on behalf of the Council:[31]

> "In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:
>
> > 'As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force[30] states in paragraph 11: "... the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached". That statement of the Secretary-General reflects the view of the Security Council.' "

COMMUNICATIONS CONCERNING THE INDIA-PAKISTAN QUESTION[32]

Decisions

On 20 October 2008, the President of the Security Council addressed the following letter to the Secretary-General:[33]

> "I have the honour to inform you that your letter dated 16 October 2008 concerning your intention to appoint Major General Kim Moon Hwa, of the Republic of Korea, as Chief Military Observer of the United Nations Military Observer Group in India and Pakistan[34] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

On 7 May 2009, the President of the Security Council addressed the following letter to the Secretary-General:[35]

> "I have the honour to inform you that your letter dated 5 May 2009 concerning your intention to add the Philippines to the list of countries that have agreed to provide military personnel to the United Nations Military Observer Group in India and Pakistan[36] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

THE SITUATION IN CYPRUS[37]

Decisions

At its 5971st meeting, on 4 September 2008, the Security Council considered the item entitled "The situation in Cyprus".

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[31] S/PRST/2009/18.

[32] Resolutions or decisions on this question were first adopted by the Security Council in 1948.

[33] S/2008/664.

[34] S/2008/663.

[35] S/2009/234.

[36] S/2009/233.

[37] Resolutions or decisions on this question were first adopted by the Security Council in 1963.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[38]

> "The Security Council warmly welcomes the launch of fully fledged negotiations between the two leaders, under the good offices mission of the Secretary-General, aimed at the reunification of Cyprus.
>
> "The Council commends the two leaders for the progress made since their first meeting on 21 March 2008 and supports their common approach. The Council calls upon both sides to continue to work together in a constructive and positive manner in order to reach a comprehensive and durable settlement approved in separate and simultaneous referendums. The Council looks forward to progress in the negotiations and reiterates its readiness to support the process.
>
> "The Council welcomes the appointment of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus and looks forward to being briefed on the progress of the good offices process."

At its 6038th meeting, on 12 December 2008, the Council considered the item entitled:

"The situation in Cyprus

> "Report of the Secretary-General on the United Nations operation in Cyprus (S/2008/744)".

Resolution 1847 (2008)
of 12 December 2008

The Security Council,

Welcoming the report of the Secretary-General of 28 November 2008 on the United Nations operation in Cyprus,[39]

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 December 2008,

Echoing the Secretary-General's firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, stressing that there now exists an unprecedented opportunity to make decisive progress, and reaffirming the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Welcoming the launch of fully fledged negotiations on 3 September 2008, the progress made so far and the leaders' joint statements,

Emphasizing the importance of all parties engaging fully, flexibly and constructively in those negotiations in order to make decisive progress towards a comprehensive settlement based on a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions,

Encouraging continued momentum in the negotiations and the maintenance of goodwill and trust, looking forward to substantive progress and the full exploitation of the current opportunity, commending the Greek Cypriot and Turkish Cypriot leaders for the political leadership they have shown so far, and welcoming the intention of the Secretary-General to keep the Council informed of further development and progress,

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[38] S/PRST/2008/34.

[39] S/2008/744.

Welcoming the announcement of confidence-building measures and the cancellation of military exercises, and looking forward to the implementation of these measures and agreement on and implementation of further steps to build trust between the communities,

Reaffirming the importance of continued crossings of the Green Line by Cypriots, reiterating its welcome of the opening of the Ledra Street crossing, encouraging the opening by mutual agreement of other crossing points, and noting in this context the commitment in the leaders' joint statements to pursue the opening of the Limnitis/Yeşilirmak crossing point,

Convinced of the many important benefits for all Cypriots that would flow from a comprehensive and durable Cyprus settlement, and encouraging both sides clearly to explain these benefits, as well as the need for flexibility in order to secure them, to both communities well in advance of any eventual referendums,

Highlighting the supportive role that the international community will continue to play in helping the Greek Cypriot and Turkish Cypriot leaders to exploit fully the current opportunity,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains generally stable, welcoming the decrease in the overall number of incidents involving the two sides, and urging both sides to avoid any action, including restrictions on the movements of the Force, which could lead to an increase in tension, undermine the good progress achieved so far or damage the goodwill on the island,

Recalling the Secretary-General's firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming the progress made in proceeding with demining activities, echoing the Secretary-General's call for the remaining minefields to be cleared, and noting with concern that funding is urgently required by the Mine Action Centre beyond 2008 to allow this work to continue beyond that period,

Welcoming also the progress and continuation of the important activities of the Committee on Missing Persons in Cyprus, and trusting that this process will promote reconciliation between the communities,

Agreeing that an active and flourishing civil society is essential to the political process, welcoming all efforts to promote bicommunal contacts and events, including on the part of all United Nations bodies on the island, and urging the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

Reaffirming the importance of the Secretary-General continuing to keep the operations of the Force under close review while continuing to take into account developments on the ground and the views of the parties, and reverting to the Council with recommendations, as appropriate, for further adjustments to the mandate, force levels and concept of operations of the Force as soon as warranted,

Welcoming the appointment of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement,

Echoing the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of the Force, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Welcomes* the analysis of developments on the ground over the last six months in the report of the Secretary-General in accordance with his mandate;[39]

2. *Welcomes also* the launch of fully fledged negotiations on 3 September 2008, and the prospect of a comprehensive and durable settlement that this has created;

3. *Urges* full exploitation of this opportunity, including by intensifying the momentum of the negotiations, preserving the current atmosphere of trust and goodwill and engaging in the process in a constructive and open manner;

4. *Welcomes* the announcement on confidence-building measures and the cancellation of military exercises, and looks forward to these measures being fully implemented as well as to agreement on further such steps, including the possible opening of other crossing points, as mentioned in the leaders' joint statements;

5. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

6. *Expresses its full support* for the United Nations Peacekeeping Force in Cyprus, and decides to extend its mandate for a further period ending 15 June 2009;

7. *Calls upon* both sides to continue to engage, as a matter of urgency and while respecting the mandate of the Force, in consultations with the Force on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

8. *Calls upon* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

9. *Requests* the Secretary-General to submit a report on the implementation of the present resolution by 1 June 2009 and to keep the Security Council updated on events as necessary;

10. *Welcomes* the efforts being undertaken by the Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

Adopted unanimously at the 6038th meeting.

Decisions

At its 6115th meeting, on 30 April 2009, the Security Council considered the item entitled "The situation in Cyprus".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[40]

> "The Security Council commends the Greek Cypriot and Turkish Cypriot leaders for the political leadership they have shown and warmly welcomes the progress made so far in the fully fledged negotiations, and the leaders' joint statements.
>
> "The Council strongly urges the leaders to increase the momentum of the negotiations to ensure the full exploitation of this opportunity to reach a comprehensive settlement based on a bicommunal, bizonal federation with political equality as set out in the relevant Council resolutions.

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[40] S/PRST/2009/10.

"The Council emphasizes the importance of all parties engaging fully, flexibly and constructively and looks forward to decisive progress in the negotiations in the near future.

"The Council recognizes that a solution requires the support of both sides and will require the approval of both communities in separate and simultaneous referendums. In this context, the Council fully supports the Secretary-General's good offices mission and encourages the Special Adviser to the Secretary-General on Cyprus to continue to offer the leaders any support they need to achieve a settlement.

"The Council reiterates its full support for the process and underlines the benefits that reunification will bring to the island."

At its 6132nd meeting, on 29 May 2009, the Council considered the item entitled:

"The situation in Cyprus

"Report of the Secretary-General on the United Nations operation in Cyprus (S/2009/248)".

Resolution 1873 (2009)
of 29 May 2009

The Security Council,

Welcoming the report of the Secretary-General of 15 May 2009 on the United Nations operation in Cyprus,[41]

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 June 2009,

Echoing the Secretary-General's firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, stressing that there now exists a rare opportunity to make decisive progress, and reaffirming the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Commending the Greek Cypriot and Turkish Cypriot leaders for the political leadership they have shown, and warmly welcoming the progress made so far in the fully fledged negotiations, and the leaders' joint statements,

Strongly urging the leaders to increase the momentum of the negotiations to ensure the full exploitation of this opportunity to reach a comprehensive settlement based on a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions,

Emphasizing the importance attached by the international community to all parties engaging fully, flexibly and constructively in the negotiations, and looking forward to decisive progress in those negotiations in the near future,

Welcoming the intention of the Secretary-General to keep the Council informed of further development and progress,

Welcoming also the implementation of some of the confidence-building measures announced by the leaders, and calling for a renewed effort to implement the remaining measures and for agreement on and implementation of further steps to build trust between the communities,

Reaffirming the importance of continued crossings of the Green Line by Cypriots, encouraging the opening by mutual agreement of other crossing points, noting the commitment in the leaders' joint statements to pursue the opening of the Limnitis/Yeşilirmak crossing point, encouraging implementation of the commitment to a second phase of the restoration of the Ledra Street crossing, and in this context urging the leaders to make every effort to implement those measures,

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[41] S/2009/248.

Convinced of the many important benefits for all Cypriots that would flow from a comprehensive and durable Cyprus settlement, and encouraging both sides clearly to explain these benefits, as well as the need for increased flexibility and compromise in order to secure them, to both communities well in advance of any eventual referendums,

Highlighting the supportive role that the international community will continue to play in helping the Greek Cypriot and Turkish Cypriot leaders to exploit fully the current opportunity,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains stable, welcoming the decrease in the overall number of incidents involving the two sides, and urging all sides to avoid any action, including restrictions on the movements of the Force as noted in the report of the Secretary-General, which could lead to an increase in tension, undermine the good progress achieved so far or damage the goodwill on the island,

Recalling the Secretary-General's firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming the progress made in proceeding with demining activities, and looking forward to the clearance of the remaining minefields,

Welcoming also the progress and continuation of the important activities of the Committee on Missing Persons in Cyprus, echoing the Secretary-General's call for every possible action to be taken to speed up the exhumation process, and trusting that this process will promote reconciliation between the communities,

Agreeing that active participation of civil society groups is essential to the political process and can contribute to making any future settlement sustainable, welcoming all efforts to promote bicommunal contacts and events, including on the part of all United Nations bodies on the island, and urging the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Welcoming the intention of the Secretary-General to keep all peacekeeping operations, including those of the Force, under close review, and noting the importance of contingency planning in relation to the settlement, including recommendations, as appropriate, for further adjustments to the mandate, force levels and concept of operations of the Force, taking into account developments on the ground and the views of the parties,

Welcoming also the continued efforts of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement,

Echoing the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of the Force, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Welcomes* the analysis of developments on the ground over the last six months in the report of the Secretary-General in accordance with his mandate;[41]

2. *Welcomes also* the progress made so far in the fully fledged negotiations, and the prospect of further progress in the near future towards a comprehensive and durable settlement that this has created;

3. *Urges* full exploitation of this opportunity, including by intensifying the momentum of negotiations, improving the current atmosphere of trust and goodwill and engaging in the process in a constructive and open manner;

4. *Urges also* the implementation of confidence-building measures, and looks forward to agreement on and implementation of further such steps, including the opening of other crossing points;

5. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

6. *Expresses its full support* for the United Nations Peacekeeping Force in Cyprus, and decides to extend its mandate for a further period ending 15 December 2009;

7. *Calls upon* both sides to continue to engage, as a matter of urgency and while respecting the mandate of the Force, in consultations with the Force on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

8. *Calls upon* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

9. *Requests* the Secretary-General to submit a report on implementation of the present resolution, including on contingency planning in relation to the settlement, by 1 December 2009 and to keep the Security Council updated on events as necessary;

10. *Welcomes* the efforts being undertaken by the Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

Adopted at the 6132nd meeting
by 14 votes to 1 (Turkey).

THE SITUATION CONCERNING WESTERN SAHARA[42]

Decisions

On 8 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[43]

"I have the honour to inform you that your letter dated 6 January 2009 concerning your decision to appoint Mr. Christopher Ross, of the United States of America, as your

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[42] Resolutions or decisions on this question were first adopted by the Security Council in 1975.

[43] S/2009/20.

Personal Envoy for Western Sahara[44] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6117th meeting, on 30 April 2009, the Council decided to invite the representative of Spain to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Western Sahara

"Report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1)".

Resolution 1871 (2009)
of 30 April 2009

The Security Council,

Recalling all its previous resolutions on Western Sahara,

Reaffirming its strong support for the efforts of the Secretary-General and his Personal Envoy for Western Sahara to implement resolutions 1754 (2007) of 30 April 2007, 1783 (2007) of 31 October 2007 and 1813 (2008) of 30 April 2008,

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution,

Taking note of the proposal presented by Morocco to the Secretary-General on 11 April 2007[45] and welcoming serious and credible Moroccan efforts to move the process forward towards resolution, and also taking note of the proposal presented by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro to the Secretary-General on 10 April 2007,[46]

Taking note also of the four rounds of negotiations held under the auspices of the Secretary-General, and welcoming the progress made by the parties to enter into direct negotiations,

Stressing the importance of making progress on the human dimension of the conflict as a means to promote transparency and mutual confidence through constructive dialogue and humanitarian confidence-building measures,

Welcoming in this context the agreement of the parties, expressed in the communiqué of the Personal Envoy of the Secretary-General of 18 March 2008,[47] to explore the establishment of family visits by land, which would be in addition to the existing programme by air, and encouraging them to do so in cooperation with the United Nations High Commissioner for Refugees,

Welcoming also the commitment of the parties to continue the process of negotiations through United Nations-sponsored talks,

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[44] S/2009/19.

[45] See S/2007/206, annex.

[46] S/2007/210, annex.

[47] S/2008/251, annex I.

Noting the view of the Secretary-General that the consolidation of the status quo is not an acceptable outcome of the current process of negotiations, and noting further that progress in the negotiations will have a positive impact on the quality of life of the people of Western Sahara in all its aspects,

Welcoming the appointment of the Personal Envoy of the Secretary-General, Mr. Christopher Ross, and also welcoming his recent visit to the region and ongoing consultations with the parties,

Having considered the report of the Secretary-General of 13 April 2009,[48]

1. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara with regard to the ceasefire;

2. *Welcomes* the parties' agreement with the suggestion of the Personal Envoy of the Secretary-General for Western Sahara to hold small, informal talks in preparation for a fifth round of negotiations, and recalls its endorsement of the recommendation in the previous report of the Secretary-General that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;[49]

3. *Calls upon* the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and the success of negotiations, and affirms its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context;

4. *Also calls upon* the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and notes the role and responsibilities of the parties in this respect;

5. *Invites* Member States to lend appropriate assistance to these talks;

6. *Requests* the Secretary-General to keep the Security Council informed on a regular basis of the status and progress of these negotiations under his auspices, and expresses its intention to meet to receive and discuss his report;

7. *Also requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

8. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family visits, as well as other confidence-building measures that may be agreed between the parties;

9. *Decides* to extend the mandate of the Mission until 30 April 2010;

10. *Requests* the Secretary-General to continue to take the measures necessary to ensure full compliance in the Mission with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

Adopted unanimously at the 6117th meeting.

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[48] S/2009/200 and Corr.1.

[49] See S/2008/251.

THE SITUATION IN TIMOR-LESTE[50]

Decisions

At its 5958th meeting, on 19 August 2008, the Security Council decided to invite the representatives of Australia, Brazil, Japan, Malaysia, New Zealand, the Philippines, Portugal and Timor-Leste (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Timor-Leste

> "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (S/2008/501)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Atul Khare, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Integrated Mission in Timor-Leste.

At its 5959th meeting, on 19 August 2008, the Council decided to invite the representative of Timor-Leste to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Timor-Leste

> "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (S/2008/501)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[51]

> "The Security Council welcomes the report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste,[52] as well as the briefing by the Special Representative of the Secretary-General for Timor-Leste, Mr. Atul Khare, on 19 August 2008.[53]
>
> "The Council commends the political leadership and State institutions of Timor-Leste for the rapid, firm and responsible manner, that respected constitutional procedures of the country, in which they responded to the deplorable events of 11 February 2008. The Council acknowledges that, while progress has been made in the overall security situation in Timor-Leste since the events of May and June 2006, the political, security, social and humanitarian situation in the country remains fragile.
>
> "The Council welcomes the continued efforts to foster dialogue and national reconciliation in Timor-Leste through various mechanisms, in particular the expanded meetings of the High-level Coordination Committee, the Trilateral Coordination Forum and the continued good offices of the Special Representative. The Council also welcomes recent progress in addressing the situation of internally displaced persons.
>
> "The Council reaffirms the continued importance of the review and reform of the security sector in Timor-Leste, in particular the need to ensure clear separation of internal and external security roles and responsibilities between the National Police of Timor-Leste and the military, Falintil-Forças de Defesa de Timor-Leste, to strengthen legal frameworks and to enhance civilian oversight and accountability mechanisms. The Council recognizes

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[50] Resolutions or decisions on this question were first adopted by the Security Council in 1975.

[51] S/PRST/2008/29.

[52] S/2008/501.

[53] See S/PV.5958.

efforts made by the national authorities and the Mission for the reconstitution of the National Police and welcomes the report of the expert mission to Timor-Leste on policing of 16 May 2008[54] and the necessary steps taken to implement the recommendations contained in the report. The Council underlines that the building of an independent, professional and impartial national police service in Timor-Leste is a long-term process, that national ownership is a central element in this regard and that the Mission has a key role in helping to ensure that the National Police is ready and able to resume its policing responsibilities.

"The Council recalls the need for sustained support of the international community to Timor-Leste to develop and strengthen its institutions and further build capacities in the justice sector.

"The Council further reaffirms the importance of ongoing efforts to reach accountability and justice, and underlines the importance of the implementation by the Government of Timor-Leste of the recommendations contained in the report of the Independent Special Commission of Inquiry for Timor-Leste of 2 October 2006.[55] It welcomes the conviction of the leaders of Timor-Leste of the need for justice and their determination to act against impunity. The Council underscores the importance of the promotion and protection of human rights.

"The Council recognizes the need to address socio-economic challenges in Timor-Leste. In this regard, the Council welcomes the launching by the Government of Timor-Leste of the National Priorities for 2008, including public safety and security, social protection and solidarity, addressing the needs of youth, employment and income generation, improving social service delivery, and greater transparency and effective government. It also welcomes the signing on 8 August 2008 by Timor-Leste and the United Nations of the United Nations Development Assistance Framework 2009–2013, which can provide the country with an important instrument on its path to development.

"The Council reaffirms its full support for the Mission in its work and appreciates the continued efforts of the Secretary-General and his Special Representative to ensure the full implementation of the mandate of the Mission. It encourages the Mission, in accordance with its mandate, to continue to cooperate with the United Nations agencies, funds and programmes as well as all relevant partners to support the Government of Timor-Leste. The Council recalls its requests to the Secretary-General, in consultation with the Government of Timor-Leste, to develop a medium-term strategy with appropriate benchmarks to measure and track progress, and to submit further reports as and when he considers appropriate."

At its 6085th meeting, on 19 February 2009, the Council decided to invite the representatives of Australia, Brazil, Cuba, the Czech Republic, Indonesia, Ireland, Italy, Malaysia, New Zealand, Norway, the Philippines, Portugal, South Africa, Thailand and Timor-Leste (President) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Timor-Leste

> "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (S/2009/72)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Atul Khare, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Integrated Mission in Timor-Leste.

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[54] S/2008/329, annex.

[55] See S/2006/822, annex.

At its 6086th meeting, on 26 February 2009, the Council decided to invite the representatives of Australia, Malaysia, New Zealand, Portugal and Timor-Leste to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Timor-Leste

> "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (S/2009/72)".

Resolution 1867 (2009)
of 26 February 2009

The Security Council,

Reaffirming all its previous resolutions and the statements by its President on the situation in Timor-Leste, in particular resolutions 1599 (2005) of 28 April 2005, 1677 (2006) of 12 May 2006, 1690 (2006) of 20 June 2006, 1703 (2006) of 18 August 2006, 1704 (2006) of 25 August 2006, 1745 (2007) of 22 February 2007 and 1802 (2008) of 25 February 2008,

Welcoming the report of the Secretary-General of 4 February 2009,[56]

Reaffirming its full commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country,

Welcoming the improvements in the political and security situation in Timor-Leste, which has recovered from the 2006 crisis and the events of 11 February 2008, and noting that the current political and security situation, although generally calm, remains fragile,

Welcoming also the six-week nationwide weapons collection campaign sponsored by the Government of Timor-Leste with the support of the United Nations Integrated Mission in Timor-Leste and the international security forces, which ended on 31 August 2008, and the destruction of the collected weapons on United Nations Day of that year,

Commending the political leadership and State institutions of Timor-Leste for restoring and securing stability, and welcoming the return of a significant number of internally displaced persons and the disbandment of the "petitioners" group, while recognizing the importance of additional measures to achieve meaningful reconciliation and their reintegration into their respective communities,

Reiterating its call upon the leadership and other stakeholders in Timor-Leste to continue to pursue peaceful dialogue and to avoid violent means to resolve differences,

Welcoming the efforts of the political leadership of Timor-Leste to create opportunities for all the political parties to make contributions to issues of national interest,

Reaffirming the need for respect for the independence of the judiciary and its responsibility, welcoming the conviction of the leaders of Timor-Leste of the need for justice and their determination to act against impunity, and in this regard acknowledging the serious resource constraints of the judicial system and encouraging the leadership of Timor-Leste to continue efforts to establish accountability for serious criminal offences committed during the 2006 crisis as recommended by the Independent Special Commission of Inquiry for Timor-Leste,[55]

Recalling its previous statements on the need to implement fully the "Arrangement on the Restoration and Maintenance of Public Security in Timor-Leste and Assistance to the Reform, Restructuring and Rebuilding of the Timorese National Police and the Ministry of the Interior", concluded between the Government of Timor-Leste and the Mission on 1 December 2006, and in this regard, stressing the need for constructive engagement between Mission police and the National Police with a view to developing the capacity and capability of the National Police,

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[56] S/2009/72.

Expressing its full support for the role of the international security forces in assisting the Government of Timor-Leste and the Mission in the restoration and maintenance of law and stability, in response to the requests of the Government,

Expressing concern at the increase in poverty among the Timorese population, as indicated in the report of the Secretary-General, and underlining the importance of continued support for the socio-economic development of Timor-Leste,

Recalling that, while the manifestations of the current challenges in Timor-Leste are political and institutional in nature, poverty and its associated deprivations also contribute to these challenges, paying tribute to Timor-Leste's bilateral and multilateral partners for their invaluable assistance, particularly with regard to institutional capacity-building and social and economic development, and recognizing the progress being made in the development of many aspects of governance in Timor-Leste,

Reaffirming its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, and its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel, and welcoming the cooperation of the Mission with other United Nations partners to support the efforts of the Government of Timor-Leste to develop a national gender equality policy and strategy,

Recognizing the important role that the Mission continues to play in promoting peace, stability and development in Timor-Leste, and expressing its appreciation for the efforts of the Mission and the United Nations country team, under the leadership of the Special Representative of the Secretary-General for Timor-Leste,

1. *Decides* to extend the mandate of the United Nations Integrated Mission in Timor-Leste until 26 February 2010 at the current authorized levels;

2. *Urges* all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, sustainable social and economic development, advancement of protection of human rights and national reconciliation in the country, and reaffirms its full support for the continued efforts of the Special Representative of the Secretary-General for Timor-Leste aimed at addressing critical political and security-related issues facing the country, including enhancing a culture of democratic governance, through inclusive and collaborative processes, including the expanded High-level Coordination Committee and the Trilateral Coordination Forum;

3. *Requests* the Mission to extend the necessary support, within its current mandate, for local elections currently planned for 2009, responding to the request of the Government of Timor-Leste, and encourages the international community to assist in this process;

4. *Reaffirms* the continued importance of the review and reform of the security sector in Timor-Leste, in particular the need to delineate roles and responsibilities between the Falintil-Forças de Defesa de Timor-Leste and the National Police of Timor-Leste, to strengthen legal frameworks and to enhance civilian oversight and accountability mechanisms of both security institutions, and requests the Mission to continue to support the Government of Timor-Leste in these efforts;

5. *Supports* the gradual resumption of policing responsibilities by the National Police of Timor-Leste, beginning in 2009, through a phased approach, while emphasizing that the National Police must meet the criteria mutually agreed between the Government of Timor-Leste and the Mission, as set out in paragraph 21 of the report of the Secretary-General,[56] to guarantee the readiness of the National Police for the resumption of such responsibilities in any given district or unit, requests the Government and the Mission to cooperate with each other to implement the resumption process, and requests the Mission to continue to ensure, through the presence of the Mission police component and the provision of support to the National Police, the maintenance of

public security in Timor-Leste, which includes interim law enforcement and public security until the National Police is fully reconstituted;

6. *Underscores* the need for the concept of operations and rules of engagement to be regularly updated as necessary and to be fully in line with the provisions of the present resolution, and requests the Secretary-General to report on them to the Security Council and troop- and police-contributing countries within ninety days of the adoption of the present resolution;

7. *Requests* the Mission, working with partners, to intensify its efforts to assist with further training, mentoring, institutional development and strengthening of the National Police of Timor-Leste with a view to enhancing its effectiveness, including with respect to addressing the special needs of women;

8. *Reaffirms* the importance of ongoing efforts to achieve accountability and justice, and underlines the importance of the implementation by the Government of Timor-Leste of the recommendations contained in the report of the Independent Special Commission of Inquiry for Timor-Leste of 2 October 2006,[55] including paragraphs 225 to 228 thereof;

9. *Underlines* the importance of a coordinated approach to the justice sector reform, based on needs assessment, and the ongoing need to increase Timorese ownership and strengthen national capacity in judicial line functions, including the training and specialization of national lawyers and judges;

10. *Emphasizes* the need for sustained support of the international community to Timor-Leste to develop and strengthen its institutions and further build capacities in the justice sector;

11. *Requests* the Mission to continue its efforts, adjusting them as necessary to enhance the effectiveness of the judiciary, in assisting the Government of Timor-Leste in carrying out the proceedings recommended by the Commission of Inquiry;

12. *Calls upon* the Mission to continue to support the Government of Timor-Leste in its efforts to coordinate donor cooperation in areas of institutional capacity-building;

13. *Takes note* of the Timor-Leste National Recovery Strategy and the declaration by the Government of Timor-Leste of 2009 as the year of infrastructure, rural development and human resources capacity development, and in this regard calls upon the Mission to continue to cooperate and coordinate with the United Nations agencies, funds and programmes, as well as all relevant partners, to support the Government and relevant institutions in designing poverty reduction, promotion of sustainable livelihood and economic growth policies;

14. *Encourages* the Government of Timor-Leste to strengthen peacebuilding perspectives in such areas as integration of internally displaced persons, employment and empowerment, especially focusing on rural areas and youth, as well as local socio-economic development, including agricultural activities;

15. *Requests* the Mission to fully take into account gender considerations as set out in resolutions 1325 (2000) and 1820 (2008) as a cross-cutting issue throughout its mandate, and further requests the Secretary-General to include in his reporting to the Council progress on gender mainstreaming throughout the Mission and all other aspects relating to the situation of women and girls, especially on the need to protect them from gender-based violence, detailing special measures to protect women and girls from such violence;

16. *Requests* the Secretary-General to continue to take the measures necessary to ensure full compliance by the Mission with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges those countries contributing troops and police to take appropriate preventive action and to ensure full accountability in cases of such conduct involving their personnel;

17. *Also requests* the Secretary-General to keep the Council regularly informed of the developments on the ground, including those related to preparations for the planned local

elections, and on the implementation of the present resolution, including, in particular, progress on the transfer of policing responsibilities from the Mission to the National Police of Timor-Leste, and to submit to the Council, no later than 30 September 2009, a report reviewing, inter alia, the resumption of policing responsibilities by the National Police, and, no later than 1 February 2010, a report which includes possible adjustments in the mandate and strength of the Mission;

18. *Welcomes* the work undertaken by the Secretary-General and the Government of Timor-Leste to develop a medium-term strategy and establish benchmarks for measuring and tracking progress in Timor-Leste and assessing the level and form of United Nations support while keeping the benchmarks under active review, and underlines the importance of ownership of the strategy by the leaders and people of Timor-Leste in this process;

19. *Decides* to remain seized of the matter.

Adopted unanimously at the 6086th meeting.

UNITED NATIONS PEACEKEEPING OPERATIONS[57]

Decisions

At its 6075th meeting, on 23 January 2009, the Security Council decided to invite the representatives of Canada, the Czech Republic, India, Jordan, Morocco, Nigeria, Pakistan and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "United Nations peacekeeping operations".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, Ms. Susana Malcorra, Under-Secretary-General for Field Support, and Mr. Hédi Annabi, Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Lila Ratsifandrihamanana, Permanent Observer of the African Union to the United Nations.

At its 6153rd meeting, on 29 June 2009, the Council decided to invite the representatives of Bangladesh, Brazil, Canada, the Czech Republic, Egypt, Germany, Ghana, India, Italy, Jordan, Morocco, Nepal, Nigeria, Pakistan, the Republic of Korea, Rwanda, Spain and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "United Nations peacekeeping operations".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mrs. Alice Mungwa, Senior Political Affairs Adviser in the Office of the Permanent Observer of the African Union to the United Nations.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Susana Malcorra, Under-Secretary-General for Field Support.

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[57] Resolutions or decisions on this question were first adopted by the Security Council in 1990.

THE SITUATION BETWEEN IRAQ AND KUWAIT[57]

Decision

On 22 May 2009, the President of the Security Council addressed the following letter to the Secretary-General:[58]

> "I have the honour to inform you that your letter dated 21 May 2009 concerning the activities of the High-level Coordinator undertaken to fulfil the mandate outlined in paragraph 14 of resolution 1284 (1999)[59] has been brought to the attention of the members of the Security Council.
>
> "The members of the Council take note of the information contained in your letter and the proposal made therein."

THE SITUATION IN LIBERIA[60]

Decision

At its 5985th meeting, on 29 September 2008, the Security Council decided to invite the representative of Liberia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Liberia

> "Seventeenth progress report of the Secretary-General on the United Nations Mission in Liberia (S/2008/553)".

Resolution 1836 (2008)
of 29 September 2008

The Security Council,

Recalling its resolutions and the statements by its President concerning the situation in Liberia and the subregion, in particular resolutions 1509 (2003) of 19 September 2003, 1626 (2005) of 19 September 2005, 1750 (2007) of 30 March 2007 and 1777 (2007) of 20 September 2007,

Welcoming the report of the Secretary-General of 15 August 2008,[61] and taking note of the recommendations contained therein,

Further welcoming the continuing efforts of the Government of Liberia to improve governance and security and combat corruption, as well as the important measures taken by the Government to consolidate its control over Liberia's natural resources and build a stronger economy,

Commending the Government of Liberia for the adoption of its first national poverty reduction strategy, for 2008–2011, and calling upon the international community to collaborate with the Government in the implementation of the strategy,

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[58] S/2009/263.

[59] S/2009/262.

[60] Resolutions or decisions on this question were first adopted by the Security Council in 1991.

[61] S/2008/553.

Noting with appreciation the steps being taken to facilitate national reconciliation and conflict management, with the support of the Peacebuilding Fund,

Noting the progress made in rebuilding, equipping and deploying the Liberian National Police and restructuring the Armed Forces of Liberia, and in developing a national security architecture, acknowledging the challenges that remain, and encouraging the Government of Liberia, in cooperation with the international community, to expedite its efforts in these fields,

Noting also the continuing need for support from United Nations police advisers to the Liberian National Police, as reflected in the report of the Secretary-General,

Expressing its appreciation for the continuing support of the international community, the Economic Community of West African States and the African Union,

Commending the work of the United Nations Mission in Liberia, under the leadership of the Special Representative of the Secretary-General for Liberia, for its continuing and significant contribution to maintaining peace and stability in Liberia, and welcoming the close cooperation between the Mission and the United Nations Operation in Côte d'Ivoire, as well as with neighbouring Governments, in coordinating security activities in the border areas in the subregion,

Noting with appreciation the progress made to date in the reintegration of ex-combatants, welcoming the contribution being made by the United Nations Development Programme, the Mission, international partners and the National Commission on Disarmament, Demobilization, Reintegration and Rehabilitation, and recognizing that there continues to be a need for formal sector employment,

Recognizing the significant challenges that remain in the consolidation of Liberia's post-conflict transition, including consolidation of State authority, massive development and reconstruction needs, the reform of the judiciary, extension of the rule of law throughout the country, and the further development of the Liberian security forces and security architecture, in particular the Liberian National Police, and noting that crimes of corruption and violence, in particular with regard to the exploitation of Liberia's natural resources, threaten to undermine progress towards those ends,

Welcoming the progress achieved on the broad benchmarks laid down in the report of the Secretary-General of 12 September 2006[62] and the core benchmarks presented in the reports of the Secretary-General of 8 August 2007[63] and 19 March 2008,[64] welcoming the continuing efforts of the Mission to promote and protect, in cooperation with the Government of Liberia, the rights of civilians, in particular children and women, calling upon the Liberian authorities to continue to cooperate with the United Nations country team and civil society in order to achieve further progress in these areas and, in particular, to combat violence against children and women, including gender-based violence, sexual exploitation and abuse, and recalling its resolutions 1674 (2006) of 28 April 2006 and 1612 (2005) of 26 July 2005, as well as its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security,

Reiterating the continuing need for support by the Mission for the security of the Special Court for Sierra Leone,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

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[62] S/2006/743.

[63] S/2007/479.

[64] S/2008/183.

1. *Decides* that the mandate of the United Nations Mission in Liberia shall be extended until 30 September 2009;

2. *Reaffirms its intention* to authorize the Secretary-General to redeploy troops, as may be needed, between the Mission and the United Nations Operation in Côte d'Ivoire on a temporary basis in accordance with the provisions of resolution 1609 (2005) of 24 June 2005;

3. *Endorses* the recommendation of the Secretary-General for a reduction of an additional 1,460 personnel deployed as part of the military component of the Mission and for the streamlining of the current four sectors into two, and authorizes the Secretary-General to implement this recommendation during the period from October 2008 to March 2009;

4. *Also endorses*, with immediate effect, the recommendation of the Secretary-General for an increase of 240 in the authorized number of personnel deployed as part of the police component of the Mission in order to provide strategic advice and expertise in specialized fields, provide operational support to regular policing activities and react to urgent security incidents, as well as his plans for internal adjustments in the composition of the police component within the overall ceiling, including an increase in the number of formed police units;

5. *Requests* the Secretary-General to continue to monitor progress on the core benchmarks detailed in paragraph 66 of his report of 8 August 2007[63] and in his report of 19 March 2008,[64] and any subsequent refinements of the benchmarks that may be recommended by the Secretary-General or his Special Representative for Liberia, to report on that progress to the Security Council by 15 February 2009 and, in view of the extent of that progress, to recommend to the Council no later than 15 February 2009 any further adjustments in the military and police components of the Mission, as appropriate, and to include in his report, in consultation with the Government of Liberia, long-range scenarios for a phased drawdown and withdrawal of the troop contingent of the Mission, as the situation permits and without compromising the security of Liberia;

6. *Also requests* the Secretary-General, in consultation with the Government of Liberia, to develop further detailed benchmarks to measure and track progress towards the achievement of security in Liberia, and in that context to include in his report of 15 February 2009 and in subsequent reports a comprehensive assessment both of the progress made towards building the capacity of the Liberian National Police and of the contribution of the Mission towards that goal, and to make recommendations on possible adjustments needed to Mission police training or concept of operations, as appropriate;

7. *Expresses its intention* to review by 31 March 2009 the recommendations of the Secretary-General described in paragraph 5 above;

8. *Requests* the Secretary-General to provide by 15 August 2009 a report covering progress made on the issues addressed in paragraphs 5 and 6 above during the period from February to August 2009;

9. *Decides* to remain seized of the matter.

Adopted unanimously at the 5985th meeting.

Decisions

On 20 October 2008, the President of the Security Council addressed the following letter to the Secretary-General:[65]

> "I have the honour to inform you that your letter dated 16 October 2008 concerning your intention to appoint Lieutenant General A. T. M. Zahirul Alam, of Bangladesh, as Force

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[65] S/2008/666.

Commander of the United Nations Mission in Liberia[66] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6051st meeting, on 19 December 2008, the Council considered the item entitled:

"The situation in Liberia

> "Letter dated 12 December 2008 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2008/785)".

Resolution 1854 (2008)
of 19 December 2008

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006 in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) of 22 December 2003 regarding round logs and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights, the conservation and protection of biodiversity and the process for the awarding of contracts for commercial forestry operations,

Recalling also its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, welcoming the participation of the Government of Liberia in the Kimberley Process Certification Scheme,[67] noting the implementation by Liberia of the necessary internal controls and other requirements of the Kimberley Process, and calling upon the Government to continue to work diligently to ensure the effectiveness of these controls,

Recalling further the statement by its President of 25 June 2007[68] recognizing the role of voluntary initiatives aimed at improving revenue transparency, such as the Extractive Industries Transparency Initiative, and, taking note of General Assembly resolution 62/274 of 11 September 2008 on strengthening transparency in industries, supporting Liberia's decision to, inter alia, take part in the Initiative and other extractive industry transparency initiatives and encouraging Liberia's continued progress in implementing its Initiative workplan to improve revenue transparency,

Stressing the continuing importance of the United Nations Mission in Liberia in improving security throughout Liberia and helping the Government of Liberia to establish its authority throughout the country, particularly in the regions producing diamonds, timber and other natural resources, and border areas,

Taking note of the report of the Panel of Experts on Liberia, including on the issues of diamonds, timber, targeted sanctions, and arms and security, submitted on 12 December 2008,[69]

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) of 12 March 2004 and the progress towards meeting the conditions set out in paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

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[66] S/2008/665.

[67] See A/57/489.

[68] S/PRST/2007/22.

[69] S/2008/785.

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Urging all parties to support the Government of Liberia in identifying and implementing measures that will ensure progress towards meeting the conditions set out in paragraph 5 of resolution 1521 (2003),

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(*a*) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) of 13 June 2006 and by paragraph 1 (*b*) of resolution 1731 (2006) of 20 December 2006 and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of twelve months from the date of adoption of the present resolution;

(*b*) That Member States shall notify the Security Council Committee established pursuant to paragraph 21 of resolution 1521 (2003) ("the Committee") upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (*e*) or paragraph 2 (*f*) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006) or paragraph 1 (*b*) of resolution 1731 (2006);

(*c*) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met and provides the Council with information to justify its assessment;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on Liberia on the lack of progress in this regard,[69] and calls upon the Government of Liberia to continue to make all necessary efforts to fulfil its obligations;

3. *Reconfirms its intention* to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee guidelines, particularly with regard to listing and de-listing procedures;

4. *Decides* to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) of 18 June 2008 for a further period, until 20 December 2009, to undertake the following tasks:

(*a*) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm report and a final report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (*a*) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade in arms;

(*b*) To assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including, in particular, with respect to the assets of former President Charles Taylor;

(*c*) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson-Sirleaf on 5 October 2006;

(*d*) To assess compliance by the Government of Liberia with the Kimberley Process Certification Scheme,[67] and to coordinate with the Kimberley Process in assessing compliance;

(*e*) To provide a midterm report to the Council, through the Committee, by 1 June 2009 and a final report to the Council, through the Committee, by 20 December 2009 on all the issues listed in the present paragraph, and to provide informal updates to the Committee, as appropriate, before those dates, especially on progress in the timber sector since the lifting of the measures imposed by paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of the measures imposed by paragraph 6 of resolution 1521 (2003) in April 2007;

(*f*) To cooperate actively with other relevant groups of experts, in particular the Group of Experts on Côte d'Ivoire re-established pursuant to paragraph 10 of resolution 1842 (2008) of 29 October 2008, and with the Kimberley Process Certification Scheme;

(*g*) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(*h*) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;

5. *Requests* the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

6. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

7. *Encourages* the Government of Liberia to continue to implement the recommendations of the 2008 Kimberley Process review team to strengthen internal controls over diamond mining and export;

8. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding implementation by Liberia of the Kimberley Process Certification Scheme;

9. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6051st meeting.

Decision

On 12 May 2009, the President of the Security Council addressed the following letter to the Secretary-General:[70]

> "I have the honour to inform you that the members of the Security Council have decided to send a mission to Africa, tentatively from 14 to 21 May 2009. The mission will travel to Ethiopia, Rwanda, the Democratic Republic of the Congo and Liberia. Ambassador John Sawers, of the United Kingdom of Great Britain and Northern Ireland, and Ambassador Ruhakana Rugunda, of Uganda, will co-lead the Ethiopia (Addis Ababa) and Rwanda (Kigali) segments; Ambassador Jean-Maurice Ripert, of France, will lead the Democratic Republic of the Congo (Goma and Kinshasa) segment; and Ambassador Susan Rice, of the United States of America, will lead the Liberia (Monrovia) segment. The members of the Council have agreed on the terms of reference of the mission (see annexes).

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[70] S/2009/243.

"Following consultations with the members, it has been agreed that the composition of the mission is as follows:

"Austria (Ambassador Thomas Mayr-Harting)

"Burkina Faso (Ambassador Michel Kafando)

"China (Counsellor Long Zhou)

"Costa Rica (Ambassador Jorge Urbina)

"Croatia (Ambassador Ranko Vilović)

"France (Ambassador Jean-Maurice Ripert)

"Japan (Ambassador Yukio Takasu)

"Libyan Arab Jamahiriya (Ambassador Abdurrahman Mohamed Shalgham)

"Mexico (Ambassador Claude Heller)

"Russian Federation (Senior Counsellor Vladimir Safronkov)

"Turkey (Minister Counsellor Fazli Çorman)

"Uganda (Ambassador Ruhakana Rugunda)

"United Kingdom of Great Britain and Northern Ireland (Ambassador John Sawers)

"United States of America (Ambassador Susan Rice)

"Viet Nam (Ambassador Hoang Chi Trung)

"I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

"Annex I

"Security Council mission to Africa: terms of reference

"African Union

"*Led by Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland) and Ambassador Ruhakana Rugunda (Uganda)*

"1. To continue to develop an effective partnership and enhance cooperation between the African Union and the United Nations through an exchange of views on issues of interest to both the United Nations Security Council and the African Union Peace and Security Council.

"2. To exchange views on situations of interest to both the Security Council and the Peace and Security Council, which include but are not limited to the following:

"(*a*) A brief overview of the peace and security situation in Africa;

"(*b*) The situation in the Sudan:

"(i) Darfur: the challenges to the political process and the functioning of the African Union-United Nations Hybrid Operation in Darfur;

"(ii) The humanitarian situation in Darfur;

"(iii) Implementation of the Comprehensive Peace Agreement of 9 January 2005[71] and the challenges being faced;

"(iv) Sudan/Chad: the role of the Dakar Agreement Contact Group and the challenges to the implementation of the Doha Agreement of 3 May 2009[72] and previous bilateral agreements;

"(*c*) The situation in Somalia:

"(i) Political, security and military developments in Somalia and the functioning of the African Union Mission in Somalia, including the United Nations logistical support package for the Mission;

"(ii) Piracy;

"(*d*) The situation in the Great Lakes region, in particular the eastern part of the Democratic Republic of the Congo: progress and challenges to stabilization in the eastern part of the Democratic Republic of the Congo;

"(*e*) The resurgence of unconstitutional changes of government: efforts undertaken by the African Union to resolve and prevent unconstitutional changes of government.

"Annex II

"Security Council mission to Africa: terms of reference

"Great Lakes region (Democratic Republic of the Congo, Rwanda)

"General elements

"1. To recall the commitment of the Security Council to the sovereignty, territorial integrity and political independence of all States in the region.

"2. To express the strong support of the Council for the improvement of relations among the countries of the region and to encourage them to continue reinforcing their political, military and economic cooperation in order to guarantee the long-term stabilization of the Great Lakes region.

"3. To reiterate support for the strengthening of the regional dynamic, including through the development, where appropriate, of economic projects of common interest and the implementation of appropriate steps to facilitate legal trade and put an end to illegal trafficking in natural resources.

"4. To stress that all parties should reinvigorate their participation in the Goma and Nairobi processes, which are the agreed framework for stabilizing the eastern part of the Democratic Republic of the Congo, and urge all parties to fully recommit to their respective disarmament, demobilization and reintegration and disarmament, demobilization, repatriation, resettlement and reintegration programmes.

"5. To emphasize the support of the Council for action against the Lord's Resistance Army.

"6. To underline the importance of full implementation of the sanctions measures put in place through resolution 1857 (2008).

"7. To underscore the scale of the resources committed by the United Nations to peacekeeping in the Great Lakes region and the need for a clear commitment of cooperation on the part of all national and regional actors.

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[71] S/2005/78, annex.

[72] S/2009/249, annex.

"8. To emphasize the continuing concerns of the Council about the protection of civilians, to address the situation of internally displaced civilians and to advocate for respect for human rights and international humanitarian law, to raise awareness of the need for sexual violence and child protection issues to be addressed, and to encourage the parties and Governments concerned to ensure that those responsible for serious violations of human rights and humanitarian law are brought to justice.

"Additional elements for the Democratic Republic of the Congo

"*Led by Ambassador Jean-Maurice Ripert (France)*

"9. To acknowledge the primary responsibility of the Government of the Democratic Republic of the Congo to consolidate peace and stability, and to promote recovery and development in the country, which require long-term sustained efforts and appropriate international support.

"10. To reaffirm the support of the Security Council to the United Nations Organization Mission in the Democratic Republic of the Congo and to receive a briefing on the strategic workplan of the Mission requested by the Council in its resolution 1856 (2008).

"11. To get updates on the Kimia II and Rubia II operations, jointly planned and conducted by the Armed Forces of the Democratic Republic of the Congo and the Mission against the Forces démocratiques de libération du Rwanda, the Lord's Resistance Army and other armed groups, and to reaffirm that all military operations should be carried out in accordance with international humanitarian, human rights and refugee law and take appropriate measures to protect civilians.

"12. To call upon the Congolese authorities to intensify their efforts to reform the security sector, with the assistance of the international community.

"13. To emphasize the support of the Council for the strengthening of democratic institutions, the rule of law and good governance in the Democratic Republic of the Congo, including through the holding of local elections.

"14. To examine ways to improve the protection of civilians in the Democratic Republic of the Congo and, in particular, to strengthen its efforts to prevent and respond to sexual violence and to enhance child protection, bearing in mind the conclusions of the Security Council Working Group on Children and Armed Conflict.

"15. To recall the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities.

"Additional elements for Rwanda

"*Led by Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)*

"16. To discuss Rwandan concerns in the region and how these can be addressed while respecting the sovereignty and territorial integrity of all States in the Great Lakes region.

"Annex III

"Security Council mission to Africa: terms of reference

"Liberia

"*Led by Ambassador Susan Rice (United States of America)*

"1. To reaffirm the continued support of the Security Council for the Government and people of Liberia as they rebuild their country, strengthen the foundations of sustainable peace, constitutional democracy and economic development and assume their rightful place in the community of nations.

"2. To express support for the United Nations Mission in Liberia and the Special Representative of the Secretary-General for Liberia and their efforts to promote peace and security in Liberia.

"3. To review progress in the implementation of the mandate of the Mission, in particular progress made in meeting the benchmarks outlined in the eighteenth progress report of the Secretary-General,[73] and assess the logistical constraints affecting the Mission's troop and police mobility.

"4. To assess the operational capacity and sustainability of the Liberian National Police and other national security institutions, and assess progress made in training the Armed Forces of Liberia.

"5. To encourage the Liberian authorities to increase their efforts to prepare national security institutions to assume greater responsibility for responding to law and order challenges.

"6. To express support for the efforts of the Government of Liberia to extend and consolidate effective State authority in all 15 counties of the country, with the assistance of the international community.

"7. To examine the impact of subregional factors on the situation in Liberia, and explore ways to strengthen regional cooperation, including measures to counter the threat of illegal drug trafficking.

"8. To underline the importance of promoting and protecting the rights of civilians, in particular women and children, and assess progress in combating violence against children and women, including sexual and gender-based violence and sexual exploitation and abuse.

"9. To underline the support of the Council for civil society, including women's groups.

"10. To underline the need for full implementation of the sanctions regime on Liberia."

THE SITUATION IN SOMALIA[74]

Decision

At its 5957th meeting, on 19 August 2008, the Security Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

"Report of the Secretary-General on the situation in Somalia (S/2008/466)".

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[73] S/2009/86.

[74] Resolutions or decisions on this question were first adopted by the Security Council in 1992.

Resolution 1831 (2008)
of 19 August 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolutions 733 (1992) of 23 January 1992, 1744 (2007) of 20 February 2007, 1801 (2008) of 20 February 2008, 1811 (2008) of 29 April 2008 and 1814 (2008) of 15 May 2008, and other relevant resolutions, namely resolutions 1325 (2000) of 31 October 2000, 1502 (2003) of 26 August 2003, 1612 (2005) of 26 July 2005, 1674 (2006) of 28 April 2006 and 1738 (2006) of 23 December 2006, and the statements by its President, in particular those of 14 June 2007[75] and 19 December 2007,[76]

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Underlining the importance of providing and maintaining stability and security throughout Somalia, and underscoring the importance of disarmament, demobilization and reintegration of militia and ex-combatants in Somalia,

Reaffirming its condemnation of all acts of, and incitement to, violence inside Somalia, expressing its concern at all acts intended to prevent or block a peaceful political process, and expressing its further concern at such acts and incitement continuing,

Recalling that cooperation between the United Nations and the regional arrangements in matters relating to the maintenance of peace and security, as are appropriate for regional action, is an integral part of collective security as provided for in the Charter of the United Nations,

Welcoming the communiqué of the Peace and Security Council of the African Union of 29 June 2008, which states that the African Union will extend from 17 July 2008 the mandate of its mission to Somalia for an additional six months,

Emphasizing the contribution that the African Union Mission in Somalia is making to lasting peace and stability in Somalia, welcoming in particular the continuing commitment of the Governments of Uganda and Burundi, condemning any hostility towards the Mission, and urging all parties in Somalia and the region to support and cooperate with the Mission,

Welcoming the signing on 19 August 2008 of the agreement between the Transitional Federal Government of Somalia and the Alliance for the Re-liberation of Somalia, and noting that this agreement calls for the United Nations to authorize and deploy an international stabilization force from countries that are friends of Somalia, excluding neighbouring States,

Noting that the communiqué of the Peace and Security Council of 29 June 2008 calls for the United Nations to deploy a peacekeeping operation to Somalia that will support long-term stabilization and post-conflict restoration in the country,

Recalling its willingness to consider, at an appropriate time, a peacekeeping operation to take over from the Mission, subject to progress in the political process and improvement in the security situation on the ground,

Underlining that the full deployment of the Mission will help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

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[75] S/PRST/2007/19.

[76] S/PRST/2007/49.

Acting under Chapter VII of the Charter,

1. *Decides* to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007, and underlines, in particular, that the African Union Mission in Somalia is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance;

2. *Affirms* that the provisions set out in paragraphs 11 and 12 of resolution 1772 (2007) shall continue to apply to the mission referred to in paragraph 1 above;

3. *Urges* member States of the African Union to contribute to the Mission in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there;

4. *Urges* Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission;

5. *Encourages* the Secretary-General to continue to explore with the Chairperson of the African Union Commission, in coordination with donors, ways and means to strengthen United Nations logistical, political and technical support for the African Union, to build the institutional capacity of the African Union to carry out its commitments in addressing the challenges it faces in supporting the Mission, and to assist the full deployment of the Mission, to the extent possible and as appropriate, with the goal of achieving United Nations standards, and in this regard takes note of the proposals set out in paragraph 32 of the report of the Secretary-General of 16 July 2008 on the situation in Somalia;[77]

6. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5957th meeting.

Decisions

At its 5970th meeting, on 4 September 2008, the Security Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[78]

> "The Security Council welcomes the signing in Djibouti on 19 August 2008 of a peace and reconciliation agreement between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia ("the Djibouti agreement"), the preliminary work undertaken by the High-Level Committee and the Joint Security Committee set up under the agreement, as well as recent political developments. The Council expresses its determination that the agreement should provide the basis for lasting peace, security and stability for the people of Somalia, including the ultimate withdrawal of foreign forces. The Council commends the efforts deployed by the Transitional Federal Government and the Alliance for the Re-liberation of Somalia to this end and their commitment to peace.
>
> "The Council reaffirms its respect for the sovereignty, territorial integrity, political independence and unity of Somalia.

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[77] S/2008/466.

[78] S/PRST/2008/33.

"The Council extends its gratitude to the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, and to the United Nations Political Office for Somalia for mediating dialogue between the parties and garnering support for the political process. The Council further expresses its gratitude to the Government of Djibouti for hosting talks between the parties.

"The Council calls upon the parties to meet all elements of the agreement in full. In particular, the Council underlines the crucial importance of the parties taking all necessary measures to ensure, without delay, unhindered humanitarian access and assistance to the Somali people, and of the parties and their allies terminating all acts of armed confrontation. The Council states its support for the implementation of the agreement and its intention to review that implementation continuously.

"The Council reiterates its strong support for the African Union Mission in Somalia and again urges the international community to provide financial resources, personnel, equipment and services for the full deployment of the Mission.

"The Council takes note of the parties' request in the Djibouti agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force. The Council further notes, in this regard, the communiqués issued by the Peace and Security Council of the African Union on 29 June, 8 August and 20 August 2008.

"The Security Council, acknowledging recent positive political developments in the wake of the Djibouti agreement as confirmed by Mr. Ould-Abdallah, reaffirms its willingness, as set out in its resolution 1814 (2008), to consider, at an appropriate time, a United Nations peacekeeping operation to take over from the Mission, subject to progress in the political process and improvement in the security situation on the ground.

"The Council recalls the Secretary-General's contingency planning for a United Nations integrated peacekeeping mission in Somalia, which recommends that plans be put in place for the deployment of an international stabilization force, within the framework of the approach presented by the Secretary-General in his report of 14 March 2008.[79]

"In this regard, the Council requests that the Secretary-General elaborate on his contingency plans and provide, in consultation with the parties and other relevant stakeholders, a detailed and consolidated description of a feasible multinational force, its mandate and derived tasks, to include, inter alia, the size and geographical scope of that force, progressively deployed, and further provide a detailed concept of operations for a feasible United Nations peacekeeping operation.

"The Council further requests the Secretary-General urgently to identify and approach States that might contribute the financial resources, personnel, equipment and services required, stands ready to support the Secretary-General in this regard, and calls upon States to respond favourably.

"The Council requests the Secretary-General to report on the implementation of the Djibouti agreement by the parties, including an update on the conditions on the ground, as well as on his planning, including discussions with potential contributing States, within 60 days."

At its 5987th meeting, on 7 October 2008, the Council decided to invite the representatives of Canada, Denmark, Greece, Japan, Lithuania, Malaysia, the Netherlands, Norway, Portugal, the Republic of Korea, Singapore, Somalia and Spain to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

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[79] S/2008/178 and Corr.1 and 2.

Resolution 1838 (2008)
of 7 October 2008

The Security Council,

Recalling its resolutions 1814 (2008) of 15 May 2008 and 1816 (2008) of 2 June 2008,

Gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

Noting with concern that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"),[80] sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Commending the contribution made by some States since November 2007 to protect the World Food Programme maritime convoys, and the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Noting recent humanitarian reports that as many as three and a half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the World Food Programme will not deliver food aid to Somalia without naval warship escorts, expressing its determination to ensure long-term security of World Food Programme deliveries to Somalia, and recalling that in resolution 1814 (2008) it requested the Secretary-General to provide his support for efforts to protect World Food Programme maritime convoys,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking note of the letter dated 1 September 2008 from the President of Somalia to the Secretary-General expressing the appreciation of the Transitional Federal Government to the Security Council for its assistance and expressing the willingness of the Transitional Federal Government to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

Recalling that in the statement by its President of 4 September 2008[78] it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and emphasizing the importance of promoting a comprehensive and lasting settlement in Somalia,

Recalling also that in the statement by its President of 4 September it took note of the parties' request in the Djibouti agreement that the United Nations, within a period of one hundred and twenty days, authorize and deploy an international stabilization force, and looking forward to the report of the Secretary-General, due sixty days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

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[80] United Nations, *Treaty Series*, vol. 1833, No. 31363.

Emphasizing that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;

2. *Calls upon* States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;[80]

3. *Calls upon* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;

4. *Urges* States that have the capacity to do so to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);

5. *Urges* States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. *Urges* States, as requested, in particular, in International Maritime Organization resolution A.1002(25) of 29 November 2007, to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. *Affirms* that the provisions of the present resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any situation, and underscores in particular that the present resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008), and expresses its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular upon the request of the Transitional Federal Government, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

Adopted unanimously at the 5987th meeting.

Decisions

At its 6009th meeting, on 30 October 2008, the Security Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[81]

> "The Security Council condemns in the strongest terms the terrorist suicide attacks that occurred in the towns of Hargeysa and Boosasso in Somalia on 29 October 2008. These heinous attacks, which caused numerous deaths and injuries and appear to have been coordinated, targeted the compound of the United Nations Development Programme and an Ethiopian Government office, as well as local government offices.
>
> "The Council expresses its deepest sympathy and condolences to the victims of these attacks and to their families, and to the people and authorities of Somalia and Ethiopia. It notes with appreciation that some of the victims are being treated at the French medical centre in Djibouti.
>
> "The Council commends United Nations personnel for their action on the ground in Somalia, in support of the Somali population.
>
> "The Council underlines the need to bring the perpetrators, organizers, financers and sponsors of these reprehensible acts of terrorism to justice and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 1624 (2005), to cooperate actively with the authorities of Somalia in this regard.
>
> "The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.
>
> "The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.
>
> "The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter."

At its 6019th meeting, on 20 November 2008, the Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

Resolution 1844 (2008)
of 20 November 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolutions 733 (1992) of 23 January 1992, 751 (1992) of 24 April 1992, 1356 (2001) of 19 June 2001, 1425 (2002) of 22 July 2002, 1519 (2003) of 16 December 2003, 1676 (2006) of 10 May 2006, 1725 (2006) of 6 December 2006, 1744 (2007) of 20 February 2007, 1772 (2007) of 20 August 2007, 1801 (2008) of 20 February 2008, 1811 (2008) of 29 April 2008 and 1814 (2008) of 15 May 2008, and the statements by its President, in particular those of 13 July 2006,[82] 22 December 2006,[83] 30 April 2007[84] and 14 June 2007,[75] and recalling also its resolution 1730 (2006) of 19 December 2006 on general issues relating to sanctions,

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[81] S/PRST/2008/41.

[82] S/PRST/2006/31.

[83] S/PRST/2006/59.

[84] S/PRST/2007/13.

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Underlining the importance of providing and maintaining stability and security throughout Somalia,

Reaffirming its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressing its concern at all acts intended to prevent or block a peaceful political process,

Expressing its grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noting the role piracy may play in financing embargo violations by armed groups, as described in the statement of 9 October 2008 by the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) (hereinafter "the Committee") to the Council,

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and reiterating its demand that all Member States, in particular those in the region, comply fully with the requirements of these resolutions,

Recalling its intention, outlined in paragraph 6 of resolution 1814 (2008), to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the transitional federal institutions of Somalia or the African Union Mission in Somalia by force, or take action that undermines stability in Somalia or the region,

Also recalling its intention, outlined in paragraph 7 of resolution 1814 (2008), to strengthen the effectiveness of the United Nations arms embargo on Somalia, and to take measures against those who breach the arms embargo and those who support them in doing so,

Recalling its request to the Committee, outlined in paragraphs 6 and 7 of resolution 1814 (2008), to provide recommendations on specific targeted measures to be imposed against such individuals or entities,

Taking note of the letter dated 1 August 2008 from the Vice-Chairman of the Committee to the President of the Security Council,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory;

2. *Decides also* that the measures imposed by paragraph 1 above shall not apply:

(*a*) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

(*b*) Where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;

3. *Decides further* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and further

decides that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals, or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

4. *Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(*a*) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(*b*) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(*c*) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

5. *Decides also* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the present resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

7. *Decides* that all Member States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;

8. *Decides also* that the provisions of paragraphs 1, 3 and 7 above shall apply to individuals, and that the provisions of paragraphs 3 and 7 above shall apply to entities, designated by the Committee:

(*a*) As engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti agreement of 19 August 2008 or the political process, or threaten the transitional federal institutions or the African Union Mission in Somalia by force;

(*b*) As having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above;

(*c*) As obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

9. *Decides further* that the measures outlined in paragraphs 1, 3 and 7 above cease to apply in respect of such individuals or entities if and at such time as the Committee removes them from the list of designated individuals and entities;

10. *Underlines* the importance of coordination by the Committee with other United Nations sanctions committees and with the Special Representative of the Secretary-General for Somalia;

11. *Decides* to expand the mandate of the Committee as set out in resolution 751(1992) to include the following tasks:

(*a*) To monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003), the implementation of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(*b*) To seek from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 3 and 7 above and whatever further information it may consider useful in this regard;

(*c*) To examine information regarding alleged violations of measures imposed by paragraphs 1, 3 and 7 above, paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002), and take appropriate action if necessary;

(*d*) To designate individuals and entities pursuant to paragraphs 3 and 8 above, upon the request of Member States as referred to in paragraph 12 below;

(*e*) To consider and decide upon requests for exemptions as set out in paragraphs 2 and 4 above;

(*f*) To review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 3 and 8 above, with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate, and to encourage Member States to provide any additional information whenever such information becomes available;

(*g*) To report at least every one hundred and twenty days to the Security Council on its work and on the implementation of the present resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 1, 3 and 7 above;

(*h*) To identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 3 and 7 above and to determine the appropriate course of action on each case, and requests the Chairman, in periodic reports to the Council pursuant to subparagraph (*g*) above to provide progress reports on the work of the Committee on this issue;

(*i*) To amend its existing guidelines to facilitate the implementation of the measures imposed by the present resolution and keep these guidelines under active review as may be necessary;

Listing

12. *Encourages* Member States to submit to the Committee for inclusion on its list of designees names of individuals or entities who meet the criteria set out in paragraph 8 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

13. *Decides* that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary

described in paragraph 14 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

14. *Directs* the Committee, in coordination with the relevant designating States and with the assistance of the Monitoring Group, after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing;

15. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering de-listing requests, and the provisions regarding available exemptions;

16. *Demands* that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 15 above;

17. *Encourages* Member States receiving notification as in paragraph 15 above to inform the Committee of steps they have taken to implement the measures set out in paragraphs 1, 3 and 7 above;

De-listing

18. *Welcomes* the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

19. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate review by the Committee;

20. *Directs* the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to the present resolution;

21. *Decides* that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the de-listing in a timely manner;

22. *Encourages* the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them, as well as for granting humanitarian exemptions;

23. *Decides* that the mandate of the Monitoring Group, as set out in paragraph 3 of resolution 1811 (2008), shall also include the tasks outlined below:

(*a*) To assist the Committee in monitoring implementation of the present resolution by providing any information on violations of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(*b*) To include in its reports to the Committee any information relevant to the designation by the Committee of the individuals and entities described in paragraph 8 above;

(*c*) To assist the Committee in compiling the narrative summaries referred to in paragraph 14 above;

24. *Reminds* all Member States of their obligation to implement strictly the measures imposed by the present resolution and all relevant resolutions;

25. *Decides* that all Member States shall report to the Committee within one hundred and twenty days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 above;

26. *Decides also* to review the measures outlined in paragraphs 1, 3 and 7 above within twelve months;

27. *Decides further* to remain actively seized of the matter.

Adopted unanimously at the 6019th meeting.

Decisions

At its 6020th meeting, on 20 November 2008, the Security Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

"Report of the Secretary-General on the situation in Somalia (S/2008/709)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Haile Menkerios, Assistant Secretary-General for Political Affairs, and Mr. Raisedon Zenenga, Director of the Africa II Division of the Department of Peacekeeping Operations of the Secretariat.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Efthimios Mitropoulos, Secretary-General of the International Maritime Organization.

At the same meeting, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mrs. Lila Ratsifandrihamanana, Permanent Observer of the African Union to the United Nations, in response to the request dated 11 November 2008 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Council.

At its 6026th meeting, on 2 December 2008, the Council decided to invite the representatives of Australia, Canada, Denmark, Greece, Japan, Malaysia, the Netherlands, Norway, Portugal, the Republic of Korea, Singapore, Somalia, Spain and Ukraine to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

Resolution 1846 (2008)
of 2 December 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008) of 15 May 2008, 1816 (2008) of 2 June 2008 and 1838 (2008) of 7 October 2008,

Continuing to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law, *Reaffirming its respect* for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"),[80] sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Taking into account the crisis situation in Somalia and the lack of capacity of the Transitional Federal Government to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,

Taking note of the requests of the Transitional Federal Government for international assistance to counter piracy off its coasts, including the letter dated 1 September 2008 from the President of Somalia to the Secretary-General expressing the appreciation of the Transitional Federal Government to the Security Council for its assistance and expressing the willingness of the Transitional Federal Government to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the letter dated 20 November 2008 conveying the request of the Transitional Federal Government that the provisions of resolution 1816 (2008) be renewed, and the request made by the Permanent Representative of Somalia to the United Nations before the Council on 20 November 2008 that the renewal be for an additional twelve months,[85]

Taking note also of the letters from the Transitional Federal Government to the Secretary-General providing advance notification with respect to States cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, to continue their respective efforts,

Expressing again its determination to ensure the long-term security of World Food Programme maritime deliveries to Somalia,

Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect the World Food Programme maritime convoys, and the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing on 19 August 2008 of a peace and reconciliation agreement between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia ("the Djibouti agreement"), as well as their signing of a joint ceasefire agreement on 26 October 2008, noting that the Djibouti agreement calls for the United Nations to authorize and deploy an international stabilization force, and taking note of the report of the Secretary-General of 17 November 2008 on the situation in Somalia,[86] including his recommendations in this regard,

Commending the key role played by the African Union Mission in Somalia in facilitating the delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that the Mission has made towards the goal of establishing lasting peace and stability in Somalia, and recognizing specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

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[85] See S/PV.6020.

[86] S/2008/709.

Welcoming the organization of a ministerial meeting of the Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses its concern* over the finding contained in the report of the Monitoring Group on Somalia of 20 November 2008 that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;[87]

3. *Welcomes* the efforts of the International Maritime Organization to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the International Maritime Organization, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;

5. *Calls upon* States and interested organizations, including the International Maritime Organization, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;

6. *Welcomes* initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization to counter piracy off the Somalia coast, including by escorting vessels of the World Food Programme, and, in particular, the decision by the European Union on 10 November 2008 to launch, for a period of twelve months from December 2008, a naval operation to protect World Food Programme maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the International Maritime Organization, the international shipping community, flag States and the Transitional Federal Government;

8. *Requests* the Secretary-General to submit to it a report, no later than three months after the adoption of the present resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of World Food Programme maritime deliveries to Somalia and a possible coordination and leadership role for the United

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[87] See S/2008/769.

Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. *Calls upon* States and regional organizations that have the capacity to do so to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia or for which there are reasonable grounds for suspecting such use;

10. *Decides* that, for a period of twelve months from the date of the present resolution, States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:

(*a*) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(*b*) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in the present resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention,[80] with respect to any other situation, and underscores in particular that the present resolution shall not be considered as establishing customary international law, and affirms further that such authorizations have been provided only following receipt of the letter dated 20 November 2008 conveying the consent of the Transitional Federal Government;

12. *Affirms also* that the measures imposed by paragraph 5 of resolution 733 (1992) of 23 January 1992 and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) of 22 July 2002 do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above, which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 *(b)* and 12 of resolution 1772 (2007) of 20 August 2007;

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 above do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law, including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under the present resolution;

15. *Notes* that the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988[88] provides for parties to create criminal offences, establish jurisdiction and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; urges States parties

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[88] United Nations, *Treaty Series*, vol. 1678, No. 29004.

to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to fully implement their obligations under said Convention and cooperate with the Secretary-General and the International Maritime Organization to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the Transitional Federal Government to inform the Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Council within eleven months of the adoption of the present resolution on the implementation of the resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the International Maritime Organization to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the Transitional Federal Government;

20. *Decides* to remain seized of the matter.

Adopted unanimously at the 6026th meeting.

Decisions

At its 6046th meeting, on 16 December 2008, the Security Council decided to invite the representatives of Denmark, Egypt, Germany, Greece (Deputy Minister for Defence), India, Japan (Parliamentary Vice-Minister for Foreign Affairs), Liberia, Norway, the Republic of Korea, Somalia (Minister for Foreign Affairs), Spain, Sweden, Turkey and Yemen to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

At the same meeting, in response to the request dated 12 December 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yahya Mahmassani, Permanent Observer for the League of Arab States to the United Nations.

At the same meeting, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ramtane Lamamra, Commissioner for Peace and Security of the African Union, in response to the request dated 15 December 2008 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Council.

Resolution 1851 (2008)
of 16 December 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008) of 15 May 2008, 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1844 (2008) of 20 November 2008 and 1846 (2008) of 2 December 2008,

Continuing to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and noting that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographical scope, notably evidenced by the hijacking of the M/V *Sirius Star* 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of the United Republic of Tanzania,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982,[80] sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests of the Transitional Federal Government for international assistance to counter piracy off the coast of Somalia, including the letter dated 9 December 2008 from the President of Somalia requesting the international community to assist the Transitional Federal Government in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the letter dated 1 September 2008 from the President of Somalia to the Secretary-General expressing the appreciation of the Transitional Federal Government to the Security Council for its assistance and expressing the willingness of the Transitional Federal Government to consider working with other States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

Welcoming the launching of the European Union operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts of the North Atlantic Treaty Organization and other States acting in a national capacity in cooperation with the Transitional Federal Government to suppress piracy off the coast of Somalia,

Also welcoming the recent initiatives of the Governments of Egypt and Kenya, the Special Representative of the Secretary-General for Somalia and the United Nations Office on Drugs and Crime to achieve effective measures to remedy the causes, capabilities and incidents of piracy and armed robbery off the coast of Somalia, and emphasizing the need for current and future counter-piracy operations to effectively coordinate their activities,

Noting with concern that the lack of capacity, domestic legislation and clarity about how to dispose of pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia and in some cases has led to pirates being released without facing justice, and reiterating that the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988[88] provides for parties to create criminal offences, establish jurisdiction and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Welcoming the report of 20 November 2008 of the Monitoring Group on Somalia,[87] and noting the role that piracy may play in financing embargo violations by armed groups,

Determining that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. *Calls upon* States and regional and international organizations that have the capacity to do so to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution, resolution 1846 (2008) and

international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under the present resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the Transitional Federal Government is obtained for the exercise of third State jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;[88]

4. *Encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among States, regional organizations and international organizations on all aspects of combating piracy and armed robbery at sea off the coast of Somalia; and recalls that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of World Food Programme maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report of the Secretary-General no later than three months after the adoption of resolution 1846 (2008);

5. *Also encourages* all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with the assistance of the United Nations Office on Drugs and Crime to arrange effective shiprider agreements or arrangements consistent with the United Nations Convention on the Law of the Sea[80] and to implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the United Nations Convention against Transnational Organized Crime[89] and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter dated 9 December 2008 from the Transitional Federal Government, *encourages* Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in rooting out piracy and armed robbery at sea, and decides that for a period of twelve months from the date of adoption of resolution 1846 (2008), States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the Transitional Federal Government to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the Transitional Federal Government, provided, however, that any measures undertaken pursuant to the authority of the present paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. *Calls upon* Member States to assist the Transitional Federal Government, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy

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[89] Ibid., vol. 2225, No. 39574.

and armed robbery at sea, and stresses that any measures undertaken pursuant to the present paragraph shall be consistent with applicable international human rights law;

8. *Welcomes* the communiqué issued by the International Conference on Piracy around Somalia, held in Nairobi on 11 December 2008,[90] and encourages Member States to work to enhance the capacity of relevant States in the region to combat piracy, including judicial capacity;

9. *Notes with concern* the findings contained in the report of the Monitoring Group on Somalia of 20 November 2008 that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) of 23 January 1992 has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;[87]

10. *Affirms* that the authorization provided in the present resolution applies only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea, with respect to any other situation, and underscores in particular that the present resolution shall not be considered as establishing customary international law, and affirms further that such authorizations have been provided only following the receipt of the letter dated 9 December 2008 conveying the consent of the Transitional Federal Government;

11. *Affirms also* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) of 22 July 2002 shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. *Urges* States, in collaboration with the shipping and insurance industries, and the International Maritime Organization to continue to develop avoidance, evasion and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation, as appropriate, at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. *Decides* to remain seized of the matter.

Adopted unanimously at the 6046th meeting.

Decision

At its 6050th meeting, on 19 December 2008, the Security Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

> "Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council (S/2008/769)".

Resolution 1853 (2008)
of 19 December 2008

The Security Council,

Reaffirming its previous resolutions and the statements by its President concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all deliveries of weapons and military equipment to Somalia (hereinafter referred to as "the arms embargo"), and resolutions 1519 (2003) of 16 December 2003, 1558 (2004) of 17 August 2004, 1587 (2005) of 15 March 2005, 1630 (2005) of 14 October 2005, 1676 (2006) of 10 May 2006, 1724 (2006) of 29 November 2006, 1744 (2007) of 20 February 2007, 1766 (2007) of 23 July 2007, 1772 (2007) of 20 August 2007, 1801 (2008) of 20 February 2008, 1811 (2008) of 29 April 2008 and 1844 (2008) of 20 November 2008,

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[90] Available from www.unpos.unmissions.org.

Recalling that, as set out in resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (*a*) weapons and military equipment, technical training and assistance intended solely for the support of or use by the African Union Mission in Somalia, and (*b*) supplies and technical assistance by States intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Security Council Committee established pursuant to resolution 751 (1992) (hereinafter referred to as "the Committee") within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also that the Djibouti peace agreement and follow-on dialogue process represent the most viable basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter,

Reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Commending the work of the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

Taking note of the report of the Monitoring Group of 20 November 2008 submitted pursuant to paragraph 3 (*i*) of resolution 1811 (2008)[87] and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo as a serious threat to peace and stability in Somalia,

Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the arms embargo and should take all necessary steps to hold violators accountable,

Reiterating and underscoring the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargo will improve the overall security situation in Somalia,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

2. *Reiterates its intention* to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008);

3. *Decides* to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of twelve months, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1811 (2008), and with the addition of a

fifth expert, in consultation with the Committee, in order to fulfil its expanded mandate, this mandate being as follows:

(*a*) To continue the tasks outlined in paragraphs 3 (*a*) to (*c*) of resolution 1587 (2005);

(*b*) To carry out additionally the tasks outlined in paragraphs 23 (*a*) to (*c*) of resolution 1844 (2008);

(*c*) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit arms embargo violations;

(*d*) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(*e*) To continue refining and updating information on the draft list of those individuals and entities who violate the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (*a*) to (*c*) of resolution 1844 (2008), inside and outside Somalia, and their active supporters, for possible future measures by the Security Council, and to present such information to the Committee as and when the Committee deems appropriate;

(*f*) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003,[91] and on the previous reports of the Monitoring Group appointed pursuant to resolutions 1519 (2003),[92] 1558 (2004),[93] 1587 (2005),[94] 1630 (2005),[95] 1676 (2006),[96] 1724 (2006),[97] 1766 (2007)[98] and 1811 (2008);[87]

(*g*) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(*h*) To assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the arms embargo, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008);

(*i*) To provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

(*j*) To submit, through the Committee, for consideration by the Council, a final report covering all the tasks set out above, no later than fifteen days prior to the termination of the mandate of the Monitoring Group;

4. *Requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. *Reaffirms* paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

6. *Requests* the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group of 5 April[95] and 16 October 2006,[96] 17 July 2007[97] and

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[91] See S/2003/223 and S/2003/1035.

[92] See S/2004/604.

[93] See S/2005/153.

[94] See S/2005/625.

[95] See S/2006/229.

[96] See S/2006/913.

[97] See S/2007/436.

[98] See S/2008/274.

24 April[86] and 20 November 2008[87] and recommend to the Council ways to improve implementation of and compliance with the arms embargo as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), in response to continuing violations;

7. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6050th meeting.

Decision

At its 6068th meeting, on 16 January 2009, the Security Council decided to invite the representatives of Burundi, Italy and Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

> "Letter dated 19 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/804)".

Resolution 1863 (2009)
of 16 January 2009

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolutions 733 (1992) of 23 January 1992, 751 (1992) of 24 April 1992, 1356 (2001) of 19 June 2001, 1425 (2002) of 22 July 2002, 1519 (2003) of 16 December 2003, 1725 (2006) of 6 December 2006, 1744 (2007) of 20 February 2007, 1772 (2007) of 20 August 2007, 1801 (2008) of 20 February 2008, 1811 (2008) of 29 April 2008, 1814 (2008) of 15 May 2008, 1831 (2008) of 19 August 2008 and 1844 (2008) of 20 November 2008, and the statements by its President, in particular those of 13 July 2006,[82] 22 December 2006,[83] 30 April 2007,[84] 14 June 2007,[75] 19 December 2007[76] and 4 September 2008,[78]

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that the Djibouti peace agreement represents the basis for a resolution of the conflict in Somalia, and stressing the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all,

Welcoming the guiding principles agreed upon by the parties to the Djibouti peace agreement on 25 November 2008, in particular the establishment of a Unity Government and an inclusive Parliament,

Recognizing the need for all parties to contribute to an enhanced political process, calling upon the Somali parties to the Djibouti peace agreement to fulfil their obligations set out therein, and taking note of the request from the parties for United Nations authorization and deployment of an international stabilization force,

Welcoming the contribution of the African Union Mission in Somalia to lasting peace and stability in Somalia, expressing its appreciation for the continued commitment of the Governments of Uganda and Burundi in Somalia, condemning any hostilities towards the Mission, and stressing the importance of re-establishment, training and retention of Somali security forces,

Welcoming also the proposal of the Secretary-General for a partnership between the Somali parties, the United Nations, the Mission and other international partners to develop a programme of assistance to build Somali security capacity, *Reiterating its serious concern* at the worsening humanitarian situation in Somalia, and calling upon all Member States to contribute to current and future consolidated humanitarian appeals,

Recognizing that serious crimes have been committed against civilians in the ongoing conflict in Somalia, and reaffirming the importance of the fight against impunity,

Noting the statement and five-point communiqué of the African Union, of 10 and 22 December 2008 respectively, whereby the Peace and Security Council of the African Union calls for an interim stabilization force in anticipation of a United Nations peacekeeping operation in Somalia in order to take over from the Mission and support the long-term stabilization and reconstruction of that country,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the decision of the African Union that the African Union Mission in Somalia will remain in Somalia until 16 March 2009, and requests the African Union to maintain the deployment of the Mission in Somalia and to reinforce that deployment to help to achieve the Mission's originally mandated troop strength of 8,000 troops, thereby enhancing the capability of the Mission to carry out its mandate and protect key installations in Mogadishu, including the airport, the seaport and other strategic areas;

2. *Decides* to renew for up to six months from the date of the present resolution the authorization of member States of the African Union to maintain a mission in Somalia, which shall be authorized to take all necessary measures to carry out the mandate set out in paragraph 9 of resolution 1772 (2007); and underlines, in particular, that the Mission is authorized to take all necessary measures to provide security for key infrastructure and to contribute, as may be requested and within its capabilities and existing mandate, to the creation of the necessary security conditions for the provision of humanitarian assistance;

3. *Calls upon* the Somali parties and other stakeholders to uphold the principles of the Djibouti peace agreement, to cease hostilities, to ensure without delay unhindered humanitarian access and assistance to the Somali people, to terminate all acts of armed confrontation, to reach agreement on permanent ceasefire mechanisms, and to use the Joint Security Committee to resolve disputes over military issues; and requests the Secretary-General to report on ways to improve the implementation of the Djibouti peace agreement, including the option of an international peace conference to include local, regional and international actors;

4. *Expresses its intent* to establish a United Nations peacekeeping operation in Somalia as a follow-on force to the Mission, subject to a further decision of the Security Council by 1 June 2009;

5. *Requests* the Secretary-General to submit a report for a United Nations peacekeeping operation by 15 April 2009, to include developments in the situation in Somalia, progress towards the full deployment and strengthening of the Mission with a view to transition to a United Nations peacekeeping operation, progress in the political process and security conditions on the ground, in order to inform the Council of his assessment in advance of the decision referred to in paragraph 4 above and with a view to speedy deployment;

6. *Also requests* the Secretary-General, in that report, to develop recommendations on the mandate of such a United Nations peacekeeping operation, taking into account the following tasks in Mogadishu and its environs:

(*a*) To facilitate humanitarian assistance and improve humanitarian access, including by securing key humanitarian infrastructure and maintaining liaison with all parties to the Djibouti peace agreement and related subsequent agreements, and to facilitate delivery of humanitarian assistance to internally displaced persons, children and other affected persons, (*b*) To assist with the free movement, safe passage and protection of those involved in the political process, to provide security for key political infrastructure and to protect and assist the institutions of a future Unity Government to help them to carry out their functions;

(*c*) To monitor, within its capabilities, the implementation of the cessation of hostilities under the Djibouti peace agreement, as well as any subsequent ceasefire arrangements and joint security arrangements agreed through the Joint Security Committee, to liaise with the Committee and provide technical assistance in the implementation of its functions, including in the investigation of ceasefire violations, and to support the monitoring of illegal weapons traffic by informing the Monitoring Group of any related information;

(*d*) To ensure the security and freedom of movement of United Nations personnel and to protect its personnel, facilities, installations, equipment and mission;

(*e*) To assist, in conjunction with regional and international donor partners and other interested parties, in supporting the effective re-establishment, training and retention of inclusive Somali security forces, including military, police and judiciary;

7. *Affirms* that the provisions set out in paragraphs 11 and 12 of resolution 1772 (2007) shall continue to apply;

8. *Requests* the Secretary-General to establish a trust fund to provide financial support to the Mission until a United Nations peacekeeping operation is deployed and to assist in the re-establishment, training and retention of all-inclusive Somali security forces as provided for in paragraph 4 (*c*) of resolution 1744 (2007); also requests the Secretary-General to hold a donors conference to solicit contributions to this trust fund as soon as possible; requests the African Union, in consultation with the Secretary-General, to submit budgetary requests to this trust fund; and calls upon Member States to contribute to the trust fund, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission;

9. *Stresses* the need to create the conditions for the Special Representative of the Secretary-General for Somalia to continue to make progress on the political process;

10. *Welcomes* the recommendations on strengthening the Mission contained in the letter dated 19 December 2008 from the Secretary-General to the President of the Security Council;[99] recalls that the Council bears primary responsibility for the maintenance of international peace and security and that cooperation with regional and subregional organizations can improve collective security; further recalls that in resolution 1772 (2007) it called for planning for possible deployment of a United Nations peacekeeping operation replacing the Mission and that in resolution 1744 (2007) it noted that the Mission was intended to contribute to an initial stabilization phase evolving into a possible United Nations operation; welcomes in this regard the proposal of the Secretary-General for immediate in-kind enhancement of the Mission through the transfer of assets following the liquidation of the United Nations Mission in Ethiopia and Eritrea; and requests the Secretary-General, in order for the forces of the Mission to be incorporated into a United Nations peacekeeping operation, to provide a United Nations logistical support package to the Mission, including equipment and services, as described in paragraphs 7 and 8 of his proposal,[99] but not including transfer of funds to the Mission, until 1 June 2009 or until the decision referred to in paragraph 4 above, whichever is earlier;

11. *Requests* the Secretary-General to oversee the assistance referred to in paragraph 10 above, and further requests the Secretary-General to report no later than 30 January 2009 on the precise equipment and services being provided and to report to the Council at thirty-day intervals thereafter on progress in the deployment of such goods and services;

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[99] S/2008/804.

12. *Requests* the Mission to ensure that all equipment and services provided by the United Nations pursuant to the present resolution are used in a transparent and effective manner for the purposes intended, and further requests the Mission to report to the Secretary-General on the usage of such equipment and services in a manner to be detailed in a memorandum of understanding between the United Nations and the African Union based on appropriate internal control procedures;

13. *Requests* the Secretary-General to lend his support to African Union force generation efforts, to continue to support African Union planning and deployment preparations through the Secretariat's Planners team in Addis Ababa and to continue planning, in close cooperation with the African Union, for force generation and logistical, administrative, financial and other arrangements necessary to transition from the Mission to a United Nations peacekeeping operation;

14. *Calls upon* Member States to contribute personnel, equipment and other resources to the Mission, and encourages Member States to cooperate closely with the African Union, the United Nations, troop-contributing countries and other donors to this end;

15. *Calls upon* all parties to cooperate fully in the deployment and operations of the Mission, in particular by guaranteeing the safety, security and freedom of movement of African Union and United Nations personnel as well as associated personnel throughout Somalia, and to comply fully with their obligations under international law, including international humanitarian, human rights and refugee law;

16. *Requests* the Secretary-General, through his Special Representative, to coordinate all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia; decides that the United Nations Political Office for Somalia and the United Nations country team shall continue to promote lasting peace and stability in Somalia through the implementation of the Djibouti peace agreement and to facilitate coordination of international support to these efforts; and requests the Secretary-General to conduct immediate contingency planning for the deployment of United Nations offices and agencies into Somalia;

17. *Demands* that all States in the region refrain from any action that might exacerbate instability in Somalia or the Horn of Africa region, and reiterates its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten participants in the political process by force, or those who undermine stability in Somalia or the region;

18. *Calls upon* Member States to contribute to current and future consolidated humanitarian appeals;

19. *Reaffirms* its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, and its resolutions 1674 (2006) of 28 April 2006 and 1738 (2006) of 23 December 2006 on the protection of civilians in armed conflict, and stresses the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate or excessive use of force in populated areas;

20. *Also reaffirms* its resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, and recalls the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict in Somalia;[100]

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[100] S/AC.51/2007/14.

21. *Calls upon* the Somali parties to make further progress on establishing joint Transitional Security Forces, which ultimately would assume full responsibility for providing security in Somalia;

22. *Requests* the Secretary-General to advise urgently on the implementation of his plans to assist the Transitional Federal Government and the Alliance for the Re-liberation of Somalia in developing and coordinating, through his Special Representative, in conjunction with the United Nations Development Programme, other international donors, Member States and the Mission, as appropriate, a coherent strategy and package for command and control, training and equipment to build Somalia's joint Transitional Security Forces and Police to an anticipated strength of some 15,000 personnel, as envisaged in his letter dated 19 December 2008 and in line with the recommendations of the Joint Security Committee of the Transitional Federal Government/Alliance for the Re-liberation of Somalia, as well as rule of law and correctional facilities, and other key areas identified by the Somali parties; and calls upon Member States to contribute to this package;

23. *Calls upon* Member States, in response to the Secretary-General's letter dated 19 December 2008, to support strengthening and building capacity of the Somali government at the federal, state and local levels, particularly in the areas of institutional development, human resources development, public finance management and accountability processes and support to service delivery;

24. *Welcomes* the Secretary-General's proposal of 19 December 2008 to establish within the United Nations Political Office for Somalia a dedicated capacity that would include expertise in police and military training, planning for future disarmament, demobilization and reintegration activities and security sector reform activities, as well as a rule of law and corrections component;[90]

25. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6068th meeting.

Decisions

At its 6095th meeting, on 20 March 2009, the Security Council decided to invite the representatives of the Czech Republic, Malaysia, Norway and Somalia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

> "Report of the Secretary-General on the situation in Somalia (S/2009/132)
>
> "Report of the Secretary-General pursuant to Security Council resolution 1846 (2008) (S/2009/146)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General for Somalia and Head of the United Nations Political Office for Somalia.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Ramtane Lamamra, Commissioner for Peace and Security of the African Union, and Mr. Samir Hosni, Director of African Administration and African-Arab Cooperation of the League of Arab States.

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[101]

At its 6124th meeting, on 13 May 2009, the Council decided to invite the representatives of the Czech Republic and Somalia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

> "Report of the Secretary-General on Somalia pursuant to Security Council resolution 1863 (2009) (S/2009/210)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Susana Malcorra, Under-Secretary-General for Field Support.

At its 6125th meeting, on 15 May 2009, the Council considered the item entitled "The situation in Somalia".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[102]

> "The Security Council reiterates its previous resolutions and the statements by its President on Somalia, in particular its resolution 1863 (2009), which reaffirmed the Djibouti peace agreement as representing the basis for a lasting resolution of the conflict in Somalia.
>
> "The Council reaffirms its support for the Transitional Federal Government as the legitimate authority in Somalia under the Transitional Federal Charter and condemns the recent renewal in fighting led by Al-Shabaab and other extremists, which constitutes an attempt to remove that legitimate authority by force. The Council demands that opposition groups immediately end their offensive, put down their arms, renounce violence and join reconciliation efforts.
>
> "The Council urges the international community to provide its full support to the Transitional Federal Government in order to strengthen the National Security Force and the Somalia Police Force, reiterates its support for the African Union Mission in Somalia, expresses its appreciation for the contribution of troops by the Governments of Burundi and Uganda, and condemns any hostilities towards the Mission.
>
> "The Council expresses its concern at the loss of life and the worsening humanitarian situation arising out of the renewed fighting, and calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, humanitarian workers and Mission personnel.
>
> "The Council also expresses its concern over reports that Eritrea has supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the United Nations arms embargo, and calls upon the sanctions monitoring group to investigate.
>
> "The Council reiterates its support for the political process outlined in the Transitional Federal Charter, which provides a framework for reaching a lasting political solution in Somalia. The ongoing attempts to take power by force can only delay the political process and prolong the suffering of the Somali people."

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[101] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

[102] S/PRST/2009/15.

At its 6127th meeting, on 26 May 2009, the Council decided to invite the representative of Somalia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

> "Report of the Secretary-General on Somalia pursuant to Security Council resolution 1863 (2009) (S/2009/210)".

Resolution 1872 (2009)
of 26 May 2009

The Security Council,

Recalling all its previous resolutions and the statements by its President concerning the situation in Somalia,

Recalling also its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolutions 1674 (2006) of 28 April 2006 and 1738 (2006) of 23 December 2006 on the protection of civilians in armed conflict and its resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia,

Further reaffirming that the Djibouti agreement represents the basis for a resolution of the conflict in Somalia, and stressing the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all,

Welcoming in this regard the election by the Transitional Federal Parliament of Sheikh Sharif Sheikh Ahmed as President of Somalia, the subsequent appointment of a new Unity Cabinet under the Transitional Federal Government, and its relocation to Mogadishu,

Commending the contribution of the African Union Mission in Somalia to lasting peace and stability in Somalia, expressing its appreciation for the continued commitment of troops to the Mission by the Governments of Uganda and Burundi, and condemning any hostilities towards the Mission and the Transitional Federal Government,

Commending the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, and reaffirming its strong support for his efforts,

Stressing the importance of the re-establishment, training, equipping and retention of Somali security forces, which is vital for the long-term stability of Somalia, and welcoming President Sheikh Sharif Sheikh Ahmed's focus on peace through strengthening of the security sector, as his Government's leading priority,

Reiterating its serious concern at the renewed fighting in Somalia, and reaffirming its support for the Transitional Federal Government,

Reiterating its serious concern also at the worsening humanitarian situation in Somalia, and calling upon all Member States to contribute to current and future consolidated humanitarian appeals,

Recognizing the commitment of the Transitional Federal Government to address the humanitarian situation in Somalia, and encouraging it to continue to work with the United Nations to build the capacity of its institutions to this end, *Expressing its concern* that serious crimes, in particular killing and maiming, have been committed against civilians and humanitarian staff in the ongoing conflict in Somalia, and reaffirming the importance of the fight against impunity,

Recalling its resolution 1844 (2008) of 20 November 2008 imposing measures against those individuals or entities who have been designated as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, acting in violation of the arms embargo or obstructing humanitarian assistance to Somalia,

Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, stressing the need for a comprehensive response by the international community to tackle piracy and its underlying causes, and welcoming the efforts of the Contact Group on Piracy off the Coast of Somalia, States and international and regional organizations,

Welcoming the report of the Secretary-General[103] and the recommendations contained therein for continued action on the political, security and recovery tracks by the Transitional Federal Government with the support of the international community,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls upon* all Somali parties to support the Djibouti agreement, and welcomes in this regard President Sheikh Sharif Sheikh Ahmed's call for all opposition groups to support this process;

2. *Requests* the Secretary-General, through his Special Representative for Somalia, to work with the international community to continue to facilitate reconciliation;

3. *Also requests* the Secretary-General to include in his next report recommendations on ways to strengthen the Djibouti peace process;

4. *Underlines* the crucial importance of all parties taking appropriate measures to ensure, without delay, unhindered humanitarian access and assistance to the Somali people;

5. *Condemns* the recent resurgence in fighting, and calls for the end of all hostilities, acts of armed confrontation and efforts to undermine the Transitional Federal Government;

6. *Emphasizes* that Somalia's long-term security rests with the effective development by the Transitional Federal Government of the National Security Force and the Somalia Police Force, within the framework of the Djibouti agreement and in line with a national security strategy;

7. *Welcomes* the International Conference in support of the Somali Security Institutions and the African Union Mission in Somalia, held in Brussels on 23 April 2009;

8. *Urges* Member States and regional and international organizations to contribute generously to the United Nations trust fund for the Somali security institutions, and to offer technical assistance for the training and equipping of the Somali security forces, consistent with paragraphs 11 (*b*) and 12 of resolution 1772 (2007) of 20 August 2007;

9. *Requests* the Secretary-General to continue to assist the Transitional Federal Government in developing the transitional security institutions, including the Somalia Police Force and the National Security Force, and further requests the Secretary-General to support the Transitional Federal Government in developing a national security strategy, including plans for

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[103] S/2009/210.

combating illicit arms trafficking, disarmament, demobilization and reintegration, and justice and corrections capacities;

10. *Calls upon* the Transitional Federal Government to develop, in the context of the national security strategy outlined above, the legal and policy framework for the operation of its security forces, including governance, vetting and oversight mechanisms, ensuring respect for the rule of law and the protection of human rights;

11. *Recalls* its statement of intent regarding the establishment of a United Nations peacekeeping operation as expressed in resolution 1863 (2009) of 16 January 2009;

12. *Notes* that any decision to deploy such an operation would take into account, inter alia, the conditions set out in the report of the Secretary-General;[103]

13. *Requests* the Secretary-General to take the steps identified in his report in paragraphs 82 to 86, subject to the conditions set out in his report, and to report on progress by 30 September 2009, and again by 31 December 2009; and expresses its intention to review the situation;

14. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) of 23 January 1992 and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) of 22 July 2002 shall not apply to supplies and technical assistance provided in accordance with paragraph 11 (*b*) of resolution 1772 (2007) to the Transitional Federal Government for the purposes of the development of its security sector institutions, consistent with the Djibouti peace process and subject to the notification procedure set out in paragraph 12 of resolution 1772 (2007);

15. *Requests* the African Union to maintain and enhance the deployment of the African Union Mission in Somalia in order to carry out its mandate as set out in paragraph 9 of resolution 1772 (2007), welcomes its efforts to protect the airport, seaport and other strategic areas in Mogadishu, and encourages it to continue to assist the Transitional Federal Government in the establishment of the National Security Force and the Somalia Police Force;

16. *Decides* to authorize the member States of the African Union to maintain the Mission until 31 January 2010 to carry out its existing mandate;

17. *Requests* the Secretary-General to continue to provide a logistical support package for the Mission comprising equipment and services but not including the transfer of funds, as described in his letter dated 30 January 2009 to the President of the Security Council,[104] to the Mission, until 31 January 2010; and further requests the Secretary-General to include in the reports requested in paragraph 13 above an update on the deployment of this package;

18. *Requests* the Mission to ensure that all equipment and services provided under the support package are used in a transparent and effective manner for their designated purposes, and further requests the African Union to report to the Secretary-General on the usage of such equipment and services in accordance with the memorandum of understanding to be established between the United Nations and the African Union based on appropriate internal control procedures;

19. *Requests* the Secretary-General to continue to provide technical and expert advice to the African Union in the planning and deployment of the Mission through the existing United Nations planning team in Addis Ababa;

20. *Urges* Member States and regional and international organizations to contribute generously to the United Nations trust fund for the Mission, while noting that the existence of the

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[104] S/2009/60.

trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission;

21. *Requests* the Secretary-General, through his Special Representative and the United Nations Political Office for Somalia, to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia;

22. *Also requests* the Secretary-General, through his Special Representative and the United Nations Political Office for Somalia, to work with the Transitional Federal Government to develop its capacity to address human rights issues and to support the Justice and Reconciliation Working Group to counter impunity;

23. *Further requests* the Secretary-General to expedite the proposed deployment of elements of the United Nations Political Office for Somalia and other United Nations offices and agencies, including the United Nations Support Office for the African Union Mission in Somalia, to Mogadishu consistent with the security conditions, as outlined in his report;

24. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6127th meeting.

Decisions

At its 6158th meeting, on 9 July 2009, the Security Council decided to invite the representatives of Somalia and Sweden to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Somalia".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mrs. Lila Ratsifandrihamanana, Permanent Observer of the African Union to the United Nations.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Ms. Susana Malcorra, Under-Secretary-General for Field Support.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[105]

> "The Security Council reiterates its previous resolutions and the statements by its President on Somalia, in particular its resolution 1872 (2009), in which it reaffirmed the Djibouti agreement as the basis for a resolution of the conflict in Somalia.
>
> "The Council reiterates its support for the Djibouti peace process outlined in the Transitional Federal Charter, which provides a framework for reaching a lasting political solution in Somalia. The Council reaffirms its support for the Transitional Federal Government as the legitimate authority in Somalia under the Transitional Federal Charter and notes the declaration on 22 June 2009 of a state of emergency as a result of the recent renewal in fighting led by Al-Shabaab and other violent opposition groups, which constitutes an attempt to remove that legitimate authority by force. The Council also

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[105] S/PRST/2009/19.

reiterates its support for the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his efforts towards advancing the political process in Somalia.

"The Council condemns the recent attacks on the Transitional Federal Government and the civilian population by armed groups and foreign fighters who undermine peace and stability in Somalia. The Council reaffirms its demand of 15 May 2009 that violent opposition groups immediately end their offensive, put down their arms, renounce violence and join reconciliation efforts.[102] The Council condemns the flow of foreign fighters into Somalia.

"The Council deplores the loss of life in Somalia and the deteriorating humanitarian situation, which has resulted in increased flows of refugees and internally displaced persons, threatening stability in the region. The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, humanitarian workers and personnel of the African Union Mission in Somalia.

"The Council reaffirms that Somalia's long-term security rests with the effective development by the Transitional Federal Government of the National Security Force and the Somalia Police Force, within the framework of the Djibouti agreement and in line with a national security strategy, and urges the international community to support the Somali security institutions, including through training and equipping.

"The Council commends the contribution of the Mission to lasting peace and stability in Somalia, expresses its continued appreciation for the commitment of troops to the Mission by the Governments of Uganda and Burundi, and condemns any hostilities towards the Mission. In this context the Council welcomes the decision of the African Union at its summit, held in Sirte, Libyan Arab Jamahiriya, on 3 July 2009, to increase the strength of the Mission to its mandated troop levels and its call for member States of the African Union to provide the necessary military and police personnel.

"The Council takes note of the decision of the African Union at its summit in Sirte calling upon the Council to impose sanctions against those, including Eritrea, providing support to the armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. The Council is deeply concerned in this regard and will consider expeditiously what action to take against any party undermining the Djibouti peace process, based on all available evidence, including that submitted to the Monitoring Group and the Committee established pursuant to resolution 751 (1992)."

At its 6173rd meeting, on 29 July 2009, the Council decided to invite the representative of Somalia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Somalia

"Report of the Secretary-General on the situation in Somalia (S/2009/373)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ramtane Lamamra, Commissioner for Peace and Security of the African Union.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ahmedou Ould-Abdallah, Special Representative of the Secretary-General for Somalia and Head of the United Nations Political Office for Somalia.

ITEMS RELATING TO THE SITUATION IN THE FORMER YUGOSLAVIA

A. The situation in Bosnia and Herzegovina[106]

Decision

At its 6021st meeting, on 20 November 2008, the Security Council decided to invite the representatives of Bosnia and Herzegovina and Germany to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Bosnia and Herzegovina

> "Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)".

Resolution 1845 (2008)
of 20 November 2008

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements by its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007 and 1785 (2007) of 21 November 2007,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the continued role in Bosnia and Herzegovina of the High Representative for Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[107] as well as the relevant decisions of the Peace Implementation Council,

Recalling all the agreements concerning the status of forces referred to in appendix B to annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Recalling also the provisions of its resolution 1551 (2004) concerning the provisional application of the status-of-forces agreements contained in appendix B to annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (the European Union Force), the Senior Military Representative and personnel of the North Atlantic Treaty Organization Headquarters Sarajevo, the Organization for Security and Cooperation in Europe, the European Union and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

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[106] Resolutions or decisions on this question were first adopted by the Security Council in 1992.

[107] See S/1995/999.

Recalling the declarations of the ministerial meetings of the Peace Implementation Council,

Recognizing that full implementation of the Peace Agreement is not yet complete, while paying tribute to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the thirteen years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while recognizing the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Taking note of the reports of the High Representative, including his latest report of 10 November 2008,[108]

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994[109] and the statement by its President of 9 February 2000,[110]

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 14 May 2007, in which they reiterate that the European Union would retain a military presence in the country as long as necessary, in order to continue contributing to the maintenance of a safe and secure environment, and the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 10 November 2008,

Recalling the letters between the European Union and the North Atlantic Treaty Organization sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina,[111] in which both organizations recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement,

Recalling also the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for the European Union Force and the North Atlantic Treaty Organization Headquarters presence,[112]

Welcoming the increased engagement of the European Union in Bosnia and Herzegovina and the continued engagement of the North Atlantic Treaty Organization,

Reiterating once again its calls upon the authorities in Bosnia and Herzegovina to implement in full their undertakings, as also confirmed in the declaration by the Steering Board of the Peace Implementation Council of 27 February 2008,[113]

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[108] See S/2008/705.

[109] United Nations, *Treaty Series*, vol. 2051, No. 35457.

[110] S/PRST/2000/4.

[111] See S/2004/915 and S/2004/916.

[112] See S/2004/917.

[113] See S/2008/300.

Noting that the signing of the Stabilization and Association Agreement marked a fundamental step forward in the relationship between Bosnia and Herzegovina and the European Union, and calling upon the authorities in Bosnia and Herzegovina to shoulder their responsibilities and renew their efforts in this regard,

Noting with satisfaction the agreement between the leaders of three of the main parties in Bosnia and Herzegovina reached on 8 November 2008, calling for these proposals to be rapidly put into concrete form in close cooperation with the High Representative and the Steering Board of the Peace Implementation Council, and inviting Bosnian political forces to unite around this project,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter,

1. *Reaffirms once again its support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[107] as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995,[114] and calls upon the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State able to integrate itself into the European structures, and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and the provision of information to assist in Tribunal investigations;

4. *Emphasizes its full support* for the continued role of the High Representative for Bosnia and Herzegovina in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that, under annex 10 of the Peace Agreement, the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that, in case of dispute, he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn, Germany, on 9 and 10 December 1997;[115]

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[114] S/1995/1021, annex.

[115] See S/1997/979, annex.

5. *Expresses its support* for the declarations of the ministerial meetings of the Peace Implementation Council;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for the European Union Force and the continued North Atlantic Treaty Organization presence and their confirmation that both are the legal successors to the Stabilization Force for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (the European Union Force), and in the continued North Atlantic Treaty Organization presence, established in accordance with its resolution 1575 (2004) and extended by its resolutions 1639 (2005), 1722 (2006) and 1785 (2007), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force (the European Union Force) and by maintaining a continued North Atlantic Treaty Organization presence;

9. *Welcomes* the intention of the European Union to maintain a European Union military operation to Bosnia and Herzegovina from November 2008;

10. *Authorizes* the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months, starting from the date of the adoption of the present resolution, a multinational stabilization force (the European Union Force) as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the North Atlantic Treaty Organization Headquarters presence in accordance with the arrangements agreed between the North Atlantic Treaty Organization and the European Union as communicated to the Security Council in their letters of 19 November 2004,[111] which recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of the North Atlantic Treaty Organization to continue to maintain a presence in Bosnia and Herzegovina in the form of a North Atlantic Treaty Organization Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with the European Union Force, and authorizes the Member States acting through or in cooperation with the North Atlantic Treaty Organization to continue to maintain a North Atlantic Treaty Organization Headquarters as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the European Union Force in accordance with the arrangements agreed between the North Atlantic Treaty Organization and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both the European Union Force and the North Atlantic Treaty Organization presence as they have applied to and in respect of the Stabilization Force and that, therefore, references in the Peace Agreement, in particular in annex 1-A and the appendices thereto, and in relevant resolutions to the Implementation Force and/or the Stabilization Force, the

North Atlantic Treaty Organization and the North Atlantic Council shall be read as applying, as appropriate, to the North Atlantic Treaty Organization presence, the European Union Force, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses its intention* to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force and the North Atlantic Treaty Organization presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either the European Union Force or the North Atlantic Treaty Organization Headquarters, in defence of the European Union Force or the North Atlantic Treaty Organization presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the North Atlantic Treaty Organization presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of the European Union Force, the North Atlantic Treaty Organization presence and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization to report to the Security Council on the activity of the European Union Force and the North Atlantic Treaty Organization Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation* for the deployment by the European Union of its Police Mission to Bosnia and Herzegovina since 1 January 2003;

21. *Requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996,[116] and later Peace Implementation Conferences, on the implementation of the Peace Agreement and, in particular, on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

Adopted unanimously at the 6021st meeting.

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[116] See S/1996/1012, annex.

Decisions

At its 6033rd meeting, on 5 December 2008, the Security Council decided to invite the representative of Bosnia and Herzegovina (Chairman of the Council of Ministers) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Bosnia and Herzegovina

> "Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/705)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Miroslav Lajčák, High Representative for Bosnia and Herzegovina.

At its 6099th meeting, on 25 March 2009, the Council decided to invite the representatives of Bosnia and Herzegovina, Germany and Italy to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Bosnia and Herzegovina".

Resolution 1869 (2009)
of 25 March 2009

The Security Council,

Recalling all its previous relevant resolutions,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[107] and the conclusions of the Peace Implementation Conferences held in Bonn, Germany, on 9 and 10 December 1997,[115] in Madrid on 15 and 16 December 1998[117] and in Brussels on 23 and 24 May 2000,[118] the declarations made by the Steering Board of the Peace Implementation Council on 27 February[113] and 20 November 2008, as well as the statement made by the Steering Board on 13 March 2009,

1. *Welcomes and agrees* to the designation by the Steering Board of the Peace Implementation Council on 13 March 2009 of Mr. Valentin Inzko as High Representative for Bosnia and Herzegovina in succession to Mr. Miroslav Lajčák;

2. *Pays tribute* to the efforts of Mr. Lajčák in his work as High Representative;

3. *Reaffirms* the importance it attaches to the role of the High Representative in pursuing the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[107] and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement;

4. *Reaffirms also* the final authority of the High Representative in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement;

5. *Takes note* of the declarations of the Steering Board of the Peace Implementation Council of 27 February[113] and 20 November 2008 regarding fulfilment of the five objectives and two conditions required for a transition from the Office of the High Representative to an Office of the European Union Special Representative in Bosnia and Herzegovina;

6. *Decides* to remain seized of the matter.

Adopted unanimously at the 6099th meeting.

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[117] See S/1999/139, appendix.

[118] See S/2000/586, annex.

Decisions

At its 6130th meeting, on 28 May 2009, the Security Council decided to invite the representatives of Bosnia and Herzegovina (Chairman of the Council of Ministers), the Czech Republic and Serbia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Bosnia and Herzegovina
>
>> "Letter dated 13 May 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/246)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

B. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)[119]

Decisions

At its 6025th meeting, on 26 November 2008, the Security Council decided to invite the representatives of Albania, Germany and Serbia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
>
>> "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2008/692)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Skender Hyseni.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[120]

> "The Security Council welcomes the report of the Secretary-General of 24 November 2008 on the United Nations Interim Administration Mission in Kosovo[121] and, taking into account the positions of Belgrade and Pristina on the report, which were reflected in their respective statements,[122] welcomes their intentions to cooperate with the international community.
>
> "The Council welcomes the cooperation between the United Nations and other international actors, within the framework of Council resolution 1244 (1999), and also welcomes the continuing efforts of the European Union to advance the European

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[119] Resolutions or decisions on this question were first adopted by the Security Council in 1999.

[120] S/PRST/2008/44.

[121] S/2008/692.

[122] See S/PV.6025.

perspective of the whole of the Western Balkans, thereby making a decisive contribution to regional stability and prosperity."

At its 6097th meeting, on 23 March 2009, the Council decided to invite the representative of Serbia (President) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
>
> > "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/149)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Skender Hyseni.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

At its 6144th meeting, on 17 June 2009, the Council decided to invite the representative of Serbia (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
>
> > "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/300)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Skender Hyseni.

C. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[123]

Decision

At its 5986th meeting, on 29 September 2008, the Security Council considered the item entitled:

> "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
>
> > "Letter dated 24 September 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/621)".

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[123] Resolutions or decisions on this question were first adopted by the Security Council in 1996.

Resolution 1837 (2008)
of 29 September 2008[124]

The Security Council,

Taking note of the letter dated 24 September 2008 from the Secretary-General to the President of the Security Council attaching two letters dated 5 June and 1 September 2008 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the International Tribunal") to the Secretary-General,[125]

Recalling its resolutions 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 1629 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006 and 1800 (2008) of 20 February 2008,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Council calls upon the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010,

Expressing its determination to support the efforts made by the International Tribunal towards the completion of its trial work at the earliest date,

Expressing its expectation that the extension of the terms of office of the judges concerned will enhance the effectiveness of trial proceedings and contribute towards the implementation of the completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the term of office of the following permanent judges at the International Tribunal who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner:

- Mr. Liu Daqun (China)
- Mr. Theodor Meron (United States of America)
- Mr. Fausto Pocar (Italy)
- Mr. Mohamed Shahabuddeen (Guyana)

2. *Decides also* to extend the term of office of the following permanent judges at the International Tribunal who are members of the Trial Chambers until 31 December 2009, or until the completion of the cases to which they are assigned if sooner:

- Mr. Carmel A. Agius (Malta)
- Mr. Jean-Claude Antonetti (France)
- Mr. Iain Bonomy (United Kingdom of Great Britain and Northern Ireland)
- Mr. Christoph Flügge (Germany)[126]
- Mr. O-gon Kwon (Republic of Korea)
- Mr. Bakone Melema Moloto (South Africa)
- Mr. Alphonsus Martinus Maria Orie (Netherlands)

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[124] By a letter dated 29 September 2008 (A/63/470), the President of the Security Council transmitted the text of resolution 1837 (2008) to the President of the General Assembly.

[125] S/2008/621.

[126] Mr. Flügge was appointed with effect from 18 November 2008.

- Mr. Kevin Horace Parker (Australia)
- Mr. Patrick Lipton Robinson (Jamaica)
- Ms. Christine Van Den Wyngaert (Belgium)

3. *Decides further* to extend the term of office of the following ad litem judges, currently serving at the International Tribunal, until 31 December 2009, or until the completion of the cases to which they are assigned if sooner:

- Mr. Ali Nawaz Chowhan (Pakistan)
- Mr. Pedro David (Argentina)
- Ms. Elizabeth Gwaunza (Zimbabwe)
- Mr. Frederik Harhoff (Denmark)
- Ms. Tsvetana Kamenova (Bulgaria)
- Mr. Uldis Kinis (Latvia)
- Ms. Flavia Lattanzi (Italy)
- Mr. Antoine Mindua (Democratic Republic of the Congo)
- Ms. Janet Nosworthy (Jamaica)
- Ms. Michèle Picard (France)
- Mr. Árpád Prandler (Hungary)
- Ms. Kimberly Prost (Canada)
- Mr. Ole Bjørn Støle (Norway)
- Mr. Stefan Trechsel (Switzerland)

4. *Decides* to extend the term of office of the following ad litem judges, who are not currently appointed to serve at the International Tribunal, until 31 December 2009, or until the completion of any cases to which they may be assigned if sooner:

- Mr. Melville Baird (Trinidad and Tobago)
- Mr. Frans Bauduin (Netherlands)
- Sir Burton Hall (Bahamas)
- Mr. Frank Höpfel (Austria)
- Mr. Raimo Lahti (Finland)
- Mr. Jawdat Naboty (Syrian Arab Republic)
- Ms. Chioma Egondu Nwosu-Iheme (Nigeria)
- Ms. Prisca Matimba Nyambe (Zambia)
- Mr. Brynmor Pollard (Guyana)
- Ms. Vonimbolana Rasoazanany (Madagascar)
- Mr. Krister Thelin (Sweden)
- Mr. Klaus Tolksdorf (Germany)
- Tan Sri Dato' Lamin bin Haji Mohd Yunus (Malaysia)

5. *Decides also*, without prejudice to the provisions of resolution 1800 (2008), to amend article 12, paragraphs 1 and 2, of the statute of the International Tribunal and to replace those paragraphs with the provisions set out in the annex to the present resolution;

6. *Decides further* to remain seized of the matter.

Adopted unanimously at the 5986th meeting.

Annex

Article 12
Composition of the Chambers

1. The Chambers shall be composed of a maximum of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of twelve ad litem independent judges appointed in accordance with article 13 ter, paragraph 2, of the Statute, no two of whom may be nationals of the same State.

2. A maximum at any one time of three permanent judges and nine ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges, except in the circumstances specified in paragraph 5 below. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the Statute and shall render judgement in accordance with the same rules.

Decision

At its 6040th meeting, on 12 December 2008, the Security Council considered the item entitled:

> "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
>
> > "Letter dated 5 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/767)".

Resolution 1849 (2008)
of 12 December 2008

The Security Council,

Taking note of the letter dated 5 December 2008 from the Secretary-General to the President of the Security Council attaching the letter dated 26 November 2008 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to the Secretary-General,[127]

Recalling its resolution 1800 (2008) of 20 February 2008, by which it permitted the total number of ad litem judges appointed at any one time to the Chambers of the International Tribunal for the Former Yugoslavia ("the International Tribunal") to be increased to sixteen until 31 December 2008,

Noting that the International Tribunal currently has a total of fourteen ad litem judges assigned to cases, that three of them are assigned to a case where the judgement delivery is expected by 12 February 2009, and that the appointment of a further ad litem judge to another case expected to commence on 15 December 2008 would take the total number of ad litem judges to fifteen until 12 February 2009,

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[127] S/2008/767.

Recalling that in its resolution 1503 (2003) of 28 August 2003, it called upon the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and that in its resolution 1534 (2004) of 26 March 2004, it emphasized the importance of fully implementing the completion strategy of the International Tribunal,

Convinced of the advisability of extending this exceptional authorization granted to the Secretary-General in resolution 1800 (2008) as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet its completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the Secretary-General may appoint, within existing resources, additional ad litem judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the statute of the International Tribunal, to a maximum of sixteen at any one time, returning to a maximum of twelve by 28 February 2009,

2. *Decides also* to remain seized of the matter.

Adopted unanimously at the 6040th meeting.

Decision

At its 6155th meeting, on 7 July 2009, the Security Council considered the item entitled:

"International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

> "Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/333)".

Resolution 1877 (2009)
of 7 July 2009

The Security Council,

Taking note of the letter dated 19 June 2009 from the Secretary-General to the President of the Security Council attaching the letter dated 27 May 2009 from the President of the International Tribunal for the Former Yugoslavia ("the International Tribunal") and the letter dated 29 May 2009 from the President of the International Criminal Tribunal for Rwanda,[128]

Recalling its resolutions 827 (1993) of 25 May 1993, 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 1629 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006, 1800 (2008) of 20 February 2008, 1837 (2008) of 29 September 2008 and 1849 (2008) of 12 December 2008,

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[128] S/2009/333.

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Council calls upon the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its completion strategy report[129] that the International Tribunal will not be in a position to complete all its work in 2010,

Having considered the proposals submitted by the President of the International Tribunal,

Expressing its determination to support the efforts made by the International Tribunal towards the completion of its work at the earliest date,

Recalling that in its resolution 1837 (2008), the Council extended the term of office of the permanent judges of the International Tribunal, including permanent judges Liu Daqun (China), Theodor Meron (United States of America) and Fausto Pocar (Italy), who are members of the Appeals Chamber, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner,

Expressing its expectation that the extension of the term of office of judges will enhance the effectiveness of judicial proceedings and contribute towards the implementation of the completion strategy of the International Tribunal,

Noting that permanent judges Iain Bonomy (United Kingdom of Great Britain and Northern Ireland), Mohamed Shahabuddeen (Guyana) and Christine Van Den Wyngaert (Belgium) have resigned from the International Tribunal,

Convinced of the advisability of allowing the Secretary-General to appoint an ad litem judge additional to the twelve ad litem judges authorized by the statute of the International Tribunal, as a temporary measure, to enable the International Tribunal to assign a reserve judge to one of the trials, and taking note of the assurance by the President of the International Tribunal that this temporary measure will be within existing resources,

Convinced also of the need to enlarge the membership of the Appeals Chamber in view of the anticipated increase in the workload of the Appeals Chamber upon completion of the trial proceedings,

Stressing the need to ensure that none of the Appeals Chamber judges is assigned to any case to which he or she was assigned at the pretrial or trial stage,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the International Tribunal in the implementation of the completion strategy;

2. *Decides also* to extend the term of office of the following permanent judges at the International Tribunal until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Mr. Carmel A. Agius (Malta)
- Mr. Jean-Claude Antonetti (France)

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[129] See S/2009/252.

- Mr. Christoph Flügge (Germany)
- Mr. O-gon Kwon (Republic of Korea)
- Mr. Bakone Melema Moloto (South Africa)
- Mr. Alphonsus Martinus Maria Orie (Netherlands)
- Mr. Kevin Horace Parker (Australia)
- Mr. Patrick Lipton Robinson (Jamaica)

3. *Decides further* that the term of office of the permanent judges appointed to replace Mr. Iain Bonomy (United Kingdom of Great Britain and Northern Ireland), Mr. Mohamed Shahabuddeen (Guyana) and Ms. Christine Van Den Wyngaert (Belgium) shall extend until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner;

4. *Decides* to extend the term of office of the following ad litem judges, currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Mr. Melville Baird (Trinidad and Tobago)
- Mr. Pedro David (Argentina)
- Ms. Elizabeth Gwaunza (Zimbabwe)
- Mr. Frederik Harhoff (Denmark)
- Mr. Uldis Kinis (Latvia)
- Ms. Flavia Lattanzi (Italy)
- Mr. Antoine Mindua (Democratic Republic of the Congo)
- Ms. Michèle Picard (France)
- Mr. Árpád Prandler (Hungary)
- Mr. Stefan Trechsel (Switzerland)

5. *Decides also* to extend the term of office of the following ad litem judges, who are not currently appointed to serve at the International Tribunal, until 31 December 2010, or until the completion of any cases to which they may be assigned if sooner:

- Mr. Frans Bauduin (Netherlands)
- Sir Burton Hall (Bahamas)
- Mr. Raimo Lahti (Finland)
- Mr. Jawdat Naboty (Syrian Arab Republic)
- Ms. Chioma Egondu Nwosu-Iheme (Nigeria)
- Ms. Prisca Matimba Nyambe (Zambia)
- Mr. Brynmor Pollard (Guyana)
- Ms. Vonimbolana Rasoazanany (Madagascar)
- Tan Sri Dato' Lamin bin Haji Mohd Yunus (Malaysia)

6. *Decides further* to allow ad litem judges Harhoff, Lattanzi, Mindua, Prandler and Trechsel to serve in the International Tribunal beyond the cumulative period of service provided for under article 13 ter, paragraph 2, of the statute of the International Tribunal;

7. *Decides* that, upon the request of the President of the International Tribunal, the Secretary-General may appoint additional ad litem judges in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges serving at the International Tribunal will from time to time temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the statute, to a maximum of thirteen at any one time, returning to a maximum of twelve by 31 December 2009;

8. *Decides also* to amend article 14, paragraphs 3 and 4, of the statute and to replace those paragraphs with the provisions set out in the annex to the present resolution;

9. *Decides further* to remain seized of the matter.

Adopted unanimously at the 6155th meeting.

Annex

Article 14
Officers and members of the Chambers

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with article 13 bis of the Statute to the Appeals Chamber and nine to the Trial Chambers. Notwithstanding the provisions of article 12, paragraph 1, and article 12, paragraph 3, the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber.

4. Two of the permanent judges of the International Criminal Tribunal for Rwanda elected or appointed in accordance with article 12 bis of the Statute of that Tribunal shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal. Notwithstanding the provisions of article 12, paragraph 1, and article 12, paragraph 3, up to four additional permanent judges serving in the Trial Chambers of the International Criminal Tribunal for Rwanda may be assigned to the Appeals Chamber by the President of that Tribunal, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber.

Decision

On 27 July 2009, the President of the Security Council addressed the following letter to the Secretary-General:[130]

> "I have the honour to inform you that your letter dated 22 July 2009 concerning the composition of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[131] has been brought to the attention of the members of the Security Council. Having consulted those members, I support your intention to appoint Mr. Guy Delvoie, Mr. Howard Morrison and Sir Burton Hall as permanent judges of the International Tribunal."

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[130] S/2009/387.

[131] S/2009/386.

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY 1994 AND 31 DECEMBER 1994[132]

Decision

At its 6052nd meeting, on 19 December 2008, the Security Council considered the item entitled:

> "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994
>
> > "Letter dated 18 December 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/799)".

Resolution 1855 (2008)
of 19 December 2008

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

Recalling in particular that in its resolution 1503 (2003) of 28 August 2003, it called upon the International Criminal Tribunal for Rwanda ("the International Tribunal") to take all possible measures to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010, and that in its resolution 1534 (2004) of 26 March 2004, it emphasized the importance of fully implementing the completion strategy of the International Tribunal,

Taking note of the letter dated 18 December 2008 from the Secretary-General to the President of the Security Council attaching the letter dated 10 December 2008 from the President of the International Tribunal to the Secretary-General,[133] and having considered the proposals made by the President of the International Tribunal,

Noting that two permanent judges currently serving at the International Tribunal will resign by the end of 2008, and that three other permanent judges have indicated their intention to resign upon the completion of their respective cases, and that their replacement will not be necessary if the International Tribunal is authorized to assign more ad litem judges to cases,

Convinced of the advisability of allowing the Secretary-General to appoint ad litem judges additional to the nine ad litem judges authorized by the statute of the International Tribunal, as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet its completion strategy,

Acting under Chapter VII of the Charter of the United Nations,

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[132] Resolutions or decisions on this question were first adopted by the Security Council in 1996.

[133] S/2008/799.

1. *Decides* that the Secretary-General may appoint, within existing resources, additional ad litem judges upon request of the President of the International Tribunal in order to complete existing trials or conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the statute of the International Tribunal, to a maximum of twelve at any one time, returning to a maximum of nine by 31 December 2009;

2. *Decides also* to amend article 11, paragraph 2, of the statute of the International Tribunal as set out in the annex to the present resolution;

3. *Decides further* to remain seized of the matter.

Adopted unanimously at the 6052nd meeting.

Annex

Article 11
Composition of the Chambers

2. Each Trial Chamber may be divided into sections of three judges each. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgement in accordance with the same rules.

Decision

At its 6156th meeting, on 7 July 2009, the Security Council considered the item entitled:

"International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

"Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/333)

"Letter dated 26 June 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/334)

"Letter dated 7 July 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/336)".

Resolution 1878 (2009)
of 7 July 2009[134]

The Security Council,

Taking note of the letter dated 19 June 2009 from the Secretary-General to the President of the Security Council attaching the letter dated 29 May 2009 from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") and the letter dated 27 May 2009 from the President of the International Tribunal for the Former Yugoslavia,[135] the letter dated 26 June 2009 from the Secretary-General to the President of the Security Council attaching the letter dated 15 June 2009 from the President of the International Tribunal[136] and the letter dated

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[134] By a letter dated 8 July 2009 (A/63/956), the President of the Security Council transmitted the text of resolution 1878 (2009) to the President of the General Assembly.

[135] S/2009/333.

[136] S/2009/334.

7 July 2009 from the Secretary-General to the President of the Security Council attaching the letter dated 1 July 2009 from the President of the International Tribunal,[137]

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1717 (2006) of 13 October 2006, 1824 (2008) of 18 July 2008 and 1855 (2008) of 19 December 2008,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Council called upon the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its completion strategy report[138] that the International Tribunal will not be in a position to complete all its work in 2010,

Having considered the proposals submitted by the President of the International Tribunal,

Expressing its determination to support the efforts made by the International Tribunal towards the completion of its work at the earliest date,

Recalling that in its resolution 1824 (2008), the Council extended the term of office of permanent judges Mehmet Güney (Turkey) and Andrésia Vaz (Senegal), who are members of the Appeals Chamber, until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner,

Expressing its expectation that the extension of the term of office of judges will enhance the effectiveness of judicial proceedings and contribute towards the implementation of the completion strategy of the International Tribunal,

Noting that permanent judge Sergei Alekseevich Egorov (Russian Federation) intends to resign from the International Tribunal,

Convinced of the need to enlarge the membership of the Appeals Chamber in view of the anticipated increase in the workload of the Appeals Chamber upon completion of the trial proceedings,

Stressing the need to ensure that none of the Appeals Chamber judges is assigned to any case to which he or she was assigned at the pretrial or trial stage,

Noting the concerns expressed by the President of the International Tribunal about the terms and conditions of service of ad litem judges in the light of their duration of service and share of the workload of the International Tribunal,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the International Tribunal in the implementation of the completion strategy;

2. *Decides also* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Sir Charles Michael Dennis Byron (Saint Kitts and Nevis)
- Mr. Joseph Asoka Nihal de Silva (Sri Lanka)

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[137] S/2009/336.

[138] See S/2009/247.

- Ms. Khalida Rachid Khan (Pakistan)
- Ms. Arlette Ramaroson (Madagascar)
- Mr. William H. Sekule (United Republic of Tanzania)

3. *Decides further* that the term of office of the permanent judge appointed to replace Mr. Sergei Alekseevich Egorov (Russian Federation) shall extend until 31 December 2010, or until the completion of the cases to which he or she will be assigned if sooner;

4. *Decides* to extend the term of office of the following ad litem judges, currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Mr. Aydin Sefa Akay (Turkey)
- Ms. Florence Rita Arrey (Cameroon)
- Ms. Solomy Balungi Bossa (Uganda)
- Ms. Taghreed Hikmat (Jordan)
- Mr. Vagn Joensen (Denmark)
- Mr. Gberdao Gustave Kam (Burkina Faso)
- Mr. Joseph Edward Chiondo Masanche (United Republic of Tanzania)
- Mr. Lee Gacuiga Muthoga (Kenya)
- Mr. Seon Ki Park (Republic of Korea)
- Mr. Mparany Mamy Richard Rajohnson (Madagascar)
- Mr. Emile Francis Short (Ghana)

5. *Decides also* to allow ad litem judge Joensen to serve at the International Tribunal beyond the cumulative period of service provided for under article 12 ter, paragraph 2, of the statute of the International Tribunal;

6. *Decides further*, in the light of the exceptional circumstances, that, notwithstanding article 12 bis, paragraph 3, of the statute of the International Tribunal, Judge Joseph Asoka Nihal de Silva and Judge Emile Francis Short may work part-time and engage in another judicial occupation or occupation of equivalent independent status in their home countries during the remainder of their terms of office until the completion of the cases to which they are assigned; takes note of the intention of the International Tribunal to complete the cases by mid-2010; and underscores that this exceptional authorization shall not be considered as establishing a precedent. The President of the International Tribunal shall have the responsibility to ensure that this arrangement is compatible with the independence and impartiality of the judges, does not give rise to conflicts of interest and does not delay the delivery of the judgement;

7. *Decides* that, notwithstanding article 11, paragraph 1, of the statute of the International Tribunal, and on an exceptional basis, Judge Egorov, once replaced as a member of the International Tribunal, shall complete the cases which he began before his resignation; and takes note of the intention of the International Tribunal to complete the cases by the end of 2009;

8. *Decides also* to amend article 13, paragraph 3, of the statute of the International Tribunal as set out in the annex to the present resolution;

9. *Decides further* to remain seized of the matter.

Adopted unanimously at the 6156th meeting.

Annex

Article 13
Officers and members of the Chambers

3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with article 12 bis of the present Statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda. Notwithstanding the provisions of article 11, paragraph 1, and article 11, paragraph 3, the President may assign to the Appeals Chamber up to four additional permanent judges serving in the Trial Chambers, on the completion of the cases to which each judge is assigned. The term of office of each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber.

INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY 1994 AND 31 DECEMBER 1994[139]

Decisions

At its 6041st meeting, on 12 December 2008, the Security Council decided to invite the representatives of Bosnia and Herzegovina, Kenya, Rwanda (Minister of Justice and Attorney General) and Serbia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
>
> "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994
>
>> "Letter dated 21 November 2008 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2008/729)

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[139] Resolutions or decisions on this question were first adopted by the Security Council in 1999.

> "Letter dated 21 November 2008 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 addressed to the President of the Security Council (S/2008/726)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

At its 6053rd meeting, on 19 December 2008, the Council considered the item entitled:

"International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

"International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[140]

> "The Security Council recalls its resolution 827 (1993) of 25 May 1993, in which it established the International Tribunal for the Former Yugoslavia, and its resolution 955 (1994) of 8 November 1994, in which it established the International Criminal Tribunal for Rwanda ("the Tribunals") and further recalls that in its resolution 1503 (2003) of 28 August 2003, it called upon the Tribunals to take all possible measures to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategies) and that in its resolution 1534 (2004) of 26 March 2004, it emphasized the importance of fully implementing the completion strategies.
>
> "The Council recalls that the Tribunals were established in particular circumstances of the former Yugoslavia and Rwanda as an ad hoc measure contributing to the restoration and maintenance of peace.
>
> "The Council takes note of the presentations made on 12 December 2008 by the Presidents and Prosecutors of the Tribunals to the Council on the implementation of the completion strategies.[141]
>
> "Noting with concern that the deadline for the completion of trial activities at first instance has not been met and that the Tribunals have indicated that their work is not likely to end in 2010, the Council emphasizes that trials must be conducted by the Tribunals as quickly and efficiently as possible and expresses its determination to support their efforts toward the completion of their work at the earliest date.
>
> "The Council reaffirms the necessity of persons indicted by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda being brought to justice.

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[140] S/PRST/2008/47.

[141] See S/PV.6041.

"The Council calls upon all States, especially States where fugitives are suspected to be at large, to further intensify cooperation with and render all necessary assistance to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as appropriate, in particular to achieve the arrest and surrender of all remaining fugitive indictees.

"The Council also reaffirms in this context that the referral of cases to competent national jurisdictions is an essential part of the completion strategies and in this regard underlines again the need for the Tribunals to concentrate their work on the prosecution and trial of the most senior leaders suspected of being most responsible for crimes within their jurisdiction, and urges the Tribunals to work with relevant national authorities to secure the transfer of cases which do not involve this level of responsibility for prosecution by competent national jurisdictions.

"The Council acknowledges the need to establish an ad hoc mechanism to carry out a number of essential functions of the Tribunals, including the trial of high-level fugitives, after the closure of the Tribunals. In view of the substantially reduced nature of these residual functions, this mechanism should be a small, temporary and efficient structure. Its functions and size will diminish over time. Its expenses will be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

"The Council emphasizes that any such mechanism will derive its authority from a resolution of the Council and from statutes and rules of procedure and evidence based on those existing for the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, modified as appropriate, and that accommodations may be needed to address the differing needs and circumstances of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

"The Council expresses its appreciation to its Informal Working Group on International Tribunals for its work to date on the establishment of this mechanism, including through a thorough examination of which functions of the Tribunals are necessary for the administration of justice after their closure. The Council requests the Informal Working Group to continue its efforts in that regard and to concentrate on the main outstanding issues with a view to drafting as soon as possible appropriate instruments necessary for the performance of residual functions of the Tribunals.

"In order to facilitate the further work of the Informal Working Group, the Council requests the Secretary-General to present a report within 90 days on the administrative and budgetary aspects of the options for possible locations for the archives of the Tribunals and the seat of the residual mechanism, including the availability of suitable premises for the conduct of judicial proceedings by the residual mechanism, with particular emphasis on locations where the United Nations has an existing presence.

"The Council requests the Secretariat to provide the Informal Working Group with all necessary assistance, including interpretation in the six working languages of the Council."

At its 6134th meeting, on 4 June 2009, the Council decided to invite the representatives of Bosnia and Herzegovina, Kenya, Rwanda and Serbia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
>
> "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

> "Letter dated 14 May 2009 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2009/252)
>
> "Letter dated 14 May 2009 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 addressed to the President of the Security Council (S/2009/247)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, Mr. Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

THE SITUATION IN GEORGIA[142]

Decisions

On 1 August 2008, the President of the Security Council addressed the following letter to the Secretary-General:[143]

> "I have the honour to inform you that your letter dated 30 July 2008 concerning your intention to appoint Mr. Johan Verbeke, of Belgium, as your Special Representative for Georgia and Head of the United Nations Observer Mission in Georgia[144] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 5951st meeting, on 8 August 2008, the Council decided to invite the representative of Georgia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Georgia
>
> "Letter dated 7 August 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/533)".

At its 5952nd meeting, on 8 August 2008, the Council decided to invite the representatives of Finland and Georgia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Georgia
>
> "Letter dated 8 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/536)".

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[142] Resolutions or decisions on this question were first adopted by the Security Council in 1992.

[143] S/2008/519.

[144] S/2008/518.

At its 5953rd meeting, on 10 August 2008, the Council decided to invite the representative of Georgia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Georgia

"Letter dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/537)

"Letter dated 10 August 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/2008/538)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

At its 5954th meeting, held in private on 11 August 2008, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"At its 5954th meeting, held in private on 11 August 2008, the Security Council considered the item entitled 'The situation in Georgia'.

"The President, with the consent of the Council, invited the representatives of Armenia, Australia, Austria, Belarus, Bulgaria, Canada, Cuba, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Japan, Kazakhstan, Latvia, Lithuania, Morocco, the Netherlands, New Zealand, Norway, Oman, Pakistan, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Turkey and Ukraine to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

"The Council heard briefings under rule 39 of its provisional rules of procedure by Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

"Members of the Council, the representative of Georgia, Mr. Pascoe and Mr. Mulet had an exchange of views."

At its 5961st meeting, on 19 August 2008, the Council decided to invite the representative of Georgia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Georgia

"Letter dated 19 August 2008 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/2008/561)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

At its 5969th meeting, on 28 August 2008, the Council decided to invite the representative of Georgia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Georgia".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Ms. Elizabeth Spehar, Director of the Americas and Europe Division and Officer-in-Charge of the Department of Political Affairs of the Secretariat, and Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division and Officer-in-Charge of the Department of Peacekeeping Operations of the Secretariat.

At its 5992nd meeting, on 9 October 2008, the Council considered the item entitled:

"The situation in Georgia

> "Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2008/631)".

Resolution 1839 (2008)
of 9 October 2008

The Security Council,

Recalling all its relevant resolutions, including resolution 1808 (2008) of 15 April 2008,

Taking note of the reports of the Secretary-General of 23 July[145] and 3 October 2008,[146]

1. *Decides* to extend the mandate of the United Nations mission for a new period terminating on 15 February 2009;

2. *Decides also* to remain actively seized of the matter.

Adopted unanimously at the 5992nd meeting.

Decision

At its 6082nd meeting, on 13 February 2009, the Security Council decided to invite the representatives of Georgia and Germany to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Georgia

> "Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008) (S/2009/69 and Corr.1)".

Resolution 1866 (2009)
of 13 February 2009

The Security Council,

Recalling its previous resolutions, including resolutions 1808 (2008) of 15 April 2008 and 1839 (2008) of 9 October 2008,

Having considered the report of the Secretary-General of 3 February 2009,[147]

Welcoming the six-point agreement of 12 August 2008 and subsequent implementing measures of 8 September 2008,

Taking note of the Geneva discussions which commenced on 15 October 2008, and encouraging the participants to reach practical results,

Underlining the importance of the peaceful resolution of disputes,

1. *Recalls* the arrangements entered into under the agreements of 12 August and 8 September 2008;

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[145] S/2008/480.

[146] S/2008/631.

[147] S/2009/69 and Corr.1.

2. *Calls for* the provisions that were set out in paragraph 2 (*a*) of the Agreement on a Ceasefire and Separation of Forces signed at Moscow on 14 May 1994[148] to be respected, pending consultations and agreement on a revised security regime, taking note of the recommendations on the security regime contained in the report of the Secretary-General of 3 February 2009;[147]

3. *Underlines* the need to refrain from the use of force or from any act of ethnic discrimination against persons, groups of persons or institutions, and to ensure, without distinction, the security of persons, the right of persons to freedom of movement and the protection of the property of refugees and displaced persons;

4. *Calls for* facilitating and refraining from placing any impediment to humanitarian assistance to persons affected by the conflict, including refugees and internally displaced persons, and further calls for facilitating their voluntary, safe, dignified and unhindered return;

5. *Also calls for* the intensification of efforts to address the issue of regional security and stability and the issue of refugees and internally displaced persons, through the discussions currently under way in Geneva, and requests the Secretary-General, through his Special Representative for Georgia, to continue to fully support this process and to report on progress thereon;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution and on the situation on the ground and the activities of the United Nations mission, including recommendations on future activities, by 15 May 2009;

7. *Expresses its intention* to outline the elements of a future United Nations presence in the region by 15 June 2009, taking into account the recommendations to be contained in the report of the Secretary-General referred to in paragraph 6 above, the Geneva discussions and developments on the ground;

8. *Decides* to extend the mandate of the United Nations mission for a new period terminating on 15 June 2009;

9. *Decides also* to remain actively seized of the matter.

Adopted unanimously at the 6082nd meeting.

Decisions

At its 6143rd meeting, on 15 June 2009, the Security Council decided to invite the representatives of Georgia and Germany to participate, without vote, in the discussion of the item entitled:

"The situation in Georgia

> "Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009) (S/2009/254)".

At the same meeting, the Council voted on a draft resolution contained in document S/2009/310. The result of the voting was as follows: 10 votes in favour (Austria, Burkina Faso, Costa Rica, Croatia, France, Japan, Mexico, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America), 1 against (Russian Federation) and 4 abstentions (China, Libyan Arab Jamahiriya, Uganda and Viet Nam). The draft resolution was not adopted, owing to the negative vote of a permanent member of the Council.

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[148] S/1994/583 and Corr.1, annex I.

THE QUESTION CONCERNING HAITI[149]

Decisions

At its 5990th meeting, on 8 October 2008, the Security Council decided to invite the representative of Haiti to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The question concerning Haiti
>
> > "Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2008/586)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti.

At its 5993rd meeting, on 14 October 2008, the Council decided to invite the representatives of Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Haiti, Mexico, Paraguay, Peru, Spain and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The question concerning Haiti
>
> > "Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2008/586)".

Resolution 1840 (2008)
of 14 October 2008

The Security Council,

Reaffirming its previous resolutions on Haiti, in particular resolutions 1542 (2004) of 30 April 2004, 1576 (2004) of 29 November 2004, 1608 (2005) of 22 June 2005, 1658 (2006) of 14 February 2006, 1702 (2006) of 15 August 2006, 1743 (2007) of 15 February 2007 and 1780 (2007) of 15 October 2007,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Reaffirming its support to the Government of Haiti, and welcoming the recent formation of the Government of Prime Minister Michèle Pierre-Louis and the approval of her Government's General Policy Declaration by the Parliament as steps towards providing governance, stability and democracy in Haiti and as a new opportunity to place the long-term reform process back on track,

Encouraging the Government of Haiti and all the other relevant Haitian political, social and economic actors to strengthen democratic dialogue and forge the widest and most inclusive consensus possible, recognizing that leadership and constant political will of the Government among the relevant Haitian actors is needed to strengthen governance and national capacities to address the highest-priority issues in its national agenda,

Recognizing the devastation that has been suffered by the people of Haiti during the current hurricane season and the immediate, medium-term and long-term damage done to the agricultural and infrastructure sectors as well as its impact on Haiti's stability and security situation,

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[149] Resolutions or decisions on this question were first adopted by the Security Council in 1993.

Acknowledging the challenges facing the Government of Haiti to coordinate the delivery of humanitarian relief and to start the recovery efforts, as well as the need to establish a disaster and risk reduction strategy,

Recognizing that the rapid rise in global food and fuel prices continues to pose a significant threat to the overall process of stabilization in Haiti and has adversely affected the political, security, humanitarian, social, economic and development fields, and encouraging the international community to continue to support Haiti in this regard,

Recognizing also the interconnected nature of the challenges in Haiti, reaffirming that sustainable progress on security, the rule of law and institutional reform, national reconciliation and development are mutually reinforcing, and welcoming the continuing efforts of the Government of Haiti and the international community to address these challenges,

Recognizing further that respect for human rights, due process, addressing the issue of criminality and putting an end to impunity are essential to ensuring the rule of law and security in Haiti,

Commending the United Nations Stabilization Mission in Haiti for continuing to assist the Government of Haiti to ensure a secure and stable environment, and deploring again the violence which took place in April 2008, reiterating its deep regret about the loss of life and the attacks against Mission facilities and United Nations personnel and commending the measures taken by the Mission, expressing its gratitude to the troops and police personnel of the Mission and to their countries, and paying tribute to those injured or killed in the line of duty,

Acknowledging some improvements in the security situation in recent months, but noting that the security situation remains fragile,

Emphasizing the importance of cooperation between Haiti and neighbouring and regional States in effectively managing and securing both Haiti's land and maritime territorial borders, in line with the shared interest to secure those borders,

Underscoring that international illicit trafficking in persons, drugs and arms continues to affect the stability of Haiti,

Emphasizing the role of regional organizations in the ongoing process of stabilization and reconstruction in Haiti, and calling upon the Mission to continue to work closely with the Organization of American States and the Caribbean Community, taking note of the joint communiqué issued by the 2 x 9 Mechanism on Haiti on 29 August 2008,[150]

Stressing the importance of establishing credible, competent and transparent governance, and encouraging the Government of Haiti to further strengthen State institutions,

Welcoming the initial recommendations of the Consultative Commission on Prolonged Pretrial Detention, and expressing its strong support for further efforts on this issue as well as in addressing in an effective and timely manner the issue of prison overcrowding,

Calling upon the Government of Haiti, in coordination with the international community, to continue to advance security sector reform, in particular as was called for in the Haitian National Police Reform Plan adopted by the Government on 8 August 2006,[151] as well as reinforcing the efforts to reform the critical judiciary and correctional systems,

Welcoming the initial steps taken towards strengthening the judicial system in accordance with the national justice reform plan, including judicial institution modernization and improvement in access to justice, which are crucial aspects of the reconstruction and stabilization of Haiti,

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[150] S/2008/640, annex.

[151] S/2006/726, enclosure.

Welcoming also the adoption of the new electoral law and looking for its early implementation in view of the forthcoming elections, also welcoming the support of the Organization of American States to update the Haitian voter registry, and calling upon the Haitian authorities, with the continued support of donors and partners of Haiti and regional organizations as well as the Mission and the United Nations system, to establish permanent and effective electoral institutions and to hold elections consistent with Haiti's constitutional and legal requirements,

Underlining the need for the quick implementation of highly effective and visible labour-intensive projects that help to create jobs and deliver basic social services,

Acknowledging the efforts undertaken by the Haitian authorities and the contributions of the international community and the United Nations system, supported by the Mission, to respond to the humanitarian and other needs of disaster-affected people, and stressing the importance for future actions in this regard to be fully coordinated among donors and partners of Haiti, with the Government of Haiti as well as within the United Nations system,

Recognizing the importance of long-term commitment of international donors and partners of Haiti, and encouraging them to continue strengthening their levels of assistance,

Stressing the need to reinforce the capacities of the Government of Haiti and its institutions, in particular in the coordination of international cooperation,

Welcoming the report of the Secretary-General of 27 August 2008,[152]

Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far,

Acting under Chapter VII of the Charter of the United Nations, as described in section I of paragraph 7 of resolution 1542 (2004),

1. *Decides* to extend the mandate of the United Nations Stabilization Mission in Haiti, as contained in resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007) and 1780 (2007), until 15 October 2009, with the intention of further renewal;

2. *Expresses its satisfaction* with the reconfiguration of the Mission carried out in accordance with resolution 1780 (2007), and endorses the recommendation made by the Secretary-General in paragraph 20 of his report[152] to maintain the current Mission configuration until the planned substantial increase of the Haitian National Police capacity allows for a reassessment of the situation, taking into account the need to adjust the composition of the Mission and realign its activities to reflect the changing circumstances and priorities on the ground, including the need to further strengthen the training of the National Police;

3. *Decides*, therefore, that the Mission will continue to consist of a military component of up to 7,060 troops of all ranks and a police component of a total of 2,091 police;

4. *Recognizes* the ownership and primary responsibility of the Government and the people of Haiti over all aspects of the country's stabilization, recognizes the role of the Mission in supporting the efforts of the Government in this regard, and encourages the Government to continue to take full advantage of international support to enhance its capacity, which is indispensable for the sustainable success of the Mission;

5. *Expresses its full support* for the Special Representative of the Secretary-General for Haiti, notably in his efforts related to improving stability and governance in close cooperation with the Government of Haiti, and reaffirms his authority in the coordination and conduct of all activities of United Nations agencies, funds and programmes in Haiti;

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[152] S/2008/586.

6. *Reaffirms its call upon* the Mission to support the political process under way in Haiti, including through the good offices of the Special Representative, and, in cooperation with the Government of Haiti, to promote an all-inclusive political dialogue and national reconciliation, and to provide logistical and security assistance for the upcoming electoral process, in particular the elections, which were scheduled to take place in November 2007, to fill the Senate seats that were left vacant with the end of the mandate of one third of the senators on 8 May 2008;

7. *Recognizes* the importance of resolving political differences through dialogue, and encourages the Special Representative to facilitate this dialogue between the Government of Haiti and all relevant political actors in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid down in the national strategy for growth and poverty reduction paper;

8. *Welcomes* the continuing contribution of the Mission to the efforts of the Government of Haiti to build institutional capacity at all levels, and calls upon the Mission, consistent with its mandate, to expand such support to strengthen self-sustaining State institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions;

9. *Requests* that the Mission continue its support of the Haitian National Police as deemed necessary to ensure security in Haiti, and encourages the Mission and the Government of Haiti to continue to undertake coordinated deterrent actions to decrease the level of crime and violence;

10. *Recognizes* the need for improving and enhancing efforts in the implementation of the Haitian National Police Reform Plan,[151] and requests the Mission, consistent with its mandate, to remain engaged in assisting the Government of Haiti to reform and restructure the National Police, notably by supporting the monitoring, mentoring, training and vetting of police personnel and the strengthening of institutional and operational capacities, while working to recruit sufficient individual police officers to serve as instructors and mentors of the National Police, consistent with its overall strategy to progressively transfer geographical and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the Reform Plan;

11. *Invites* Member States, including neighbouring and regional States, in coordination with the Mission, to engage with the Government of Haiti to address cross-border illicit trafficking in persons, drugs and arms and other illegal activities, and to contribute to strengthening the capacity of the Haitian National Police in these areas;

12. *Requests* the Mission to provide technical expertise in support of the efforts of the Government of Haiti to pursue an integrated border management approach, with emphasis on State capacity-building, and underlines the need for coordinated international support for Government efforts in this area;

13. *Welcomes* the imminent deployment of the Mission's sixteen maritime patrol boats in support of the Haitian National Police's Coast Guard responsibilities in protecting and patrolling the maritime borders of Haiti;

14. *Recognizes* the need for the Mission to continue its efforts to patrol along maritime and land border areas in support of border security activities by the Haitian National Police, and encourages the Mission to continue discussions with the Government of Haiti and Member States to assess the threats along Haiti's land and maritime borders;

15. *Requests* the United Nations country team, and calls upon all actors, to complement security and development operations undertaken by the Government of Haiti with the support of the Mission with activities aimed at effectively improving the living conditions of the populations concerned, and requests the Mission to continue to implement quick-impact projects;

16. *Condemns* any attack against personnel or facilities of the Mission, and demands that no acts of intimidation or violence be directed against United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work;

17. *Welcomes* the steps taken towards the reform of rule of law institutions, requests the Mission to continue to provide necessary support in this regard, and encourages the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, the establishment of the Superior Council of the Judiciary, the reorganization and standardization of court registration processes and the management of cases, and the need to address the issue of prolonged pretrial detentions;

18. *Encourages* the implementation of the strategic plan of the National Prison Administration, and supports the strengthening of the Mission's capacity, as referred to in paragraph 42 of the report of the Secretary-General, in particular to address prison overcrowding, and requests the Mission to remain engaged in supporting the mentoring and training of corrections personnel and strengthening institutional and operational capacities;

19. *Requests* the Mission to continue to pursue its community violence reduction approach, including through support to the National Commission on Disarmament, Dismantlement and Reintegration and concentrating its efforts on labour-intensive projects, the development of a weapons registry, the revision of current laws on importation and possession of arms, the reform of the weapons permit system and the promotion of a national community policing doctrine;

20. *Reaffirms* the human rights mandate of the Mission, calls upon the Haitian authorities to continue their efforts to promote and protect human rights, and calls upon the Mission to continue to provide human rights training to the Haitian National Police and other relevant institutions, including the correctional services;

21. *Strongly condemns* the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls, and requests the Mission to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000) of 31 October 2000, 1612 (2005) of 26 July 2005 and 1820 (2008) of 19 June 2008;

22. *Requests* the Secretary-General to continue to take the measures necessary to ensure full compliance of all Mission personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to ensure that acts involving their personnel are properly investigated and punished;

23. *Calls upon* the Mission and the United Nations country team to further enhance their coordination and, in concert with the Government of Haiti and international partners, help to ensure greater efficiency in the implementation of the national strategy for growth and poverty reduction paper in order to achieve progress in the area of socio-economic development, which was recognized as essential for the stability of Haiti in the consolidation plan of the Secretary-General,[153] and address urgent development problems, in particular those caused by recent hurricanes;

24. *Recognizes* the need for a high-level donor conference to lend its support to the national strategy for growth and poverty reduction paper, and in this regard calls upon the international community, in particular donor countries and partners of Haiti and multilateral institutions, in cooperation with the Haitian authorities, to devise and implement under the leadership of the Haitian authorities an efficient aid coordination system, based on mutual responsibility, which would focus on short-term immediate needs, as well as medium- and long-term reconstruction requirements, and also encourages donors and partners of Haiti to accelerate the disbursement of their pledges as a contribution to development and stability in Haiti;

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[153] Ibid., sect. IX.

25. *Welcomes* the progress made by the Mission in its communications and public outreach strategy, and requests it to continue these activities;

26. *Also welcomes* the work done by the Secretary-General to develop five benchmarks and indicators to measure progress being made towards the consolidation of stability in Haiti,[154] and requests the Secretary-General to continue updating the consolidation plan on the basis of the outline provided, in consultation with the Government of Haiti, taking into account the national strategy for growth and poverty reduction paper, as appropriate, and to inform the Council accordingly in his reports;

27. *Requests* the Secretary-General to report to the Council on the implementation of the mandate of the Mission semi-annually and no later than forty-five days prior to its expiration;

28. *Also requests* the Secretary-General to include in his reports a comprehensive assessment of threats to security in Haiti, taking into account a review of the activities and composition of the Mission, its coordination with the United Nations country team and other development actors and the need for poverty eradication and sustainable development in Haiti, and to propose, as appropriate, options to reshape the composition of the Mission;

29. *Decides* to remain seized of the matter.

Adopted unanimously at the 5993rd meeting.

Decisions

On 10 March 2009, the President of the Security Council addressed the following letter to the Secretary-General:[155]

"I have the honour to inform you that the members of the Security Council have decided to send a mission to Haiti from 11 to 14 March 2009. The mission will be led by Ambassador Jorge Urbina, of Costa Rica. The members of the Council have agreed on the terms of reference of the mission, which are annexed hereto.

"Following consultations with the members, it has been agreed that the composition of the mission will be as follows:

"Costa Rica (Ambassador Jorge Urbina, head of mission)

"Austria (Ambassador Thomas Mayr-Harting)

"Burkina Faso (Minister Counsellor Bonaventure Koudougou)

"China (Ambassador Zhang Yesui)

"Croatia (Minister Counsellor Vice Skračić)

"France (Minister Counsellor Jean-Pierre Lacroix)

"Japan (Ambassador Yukio Takasu)

"Libyan Arab Jamahiriya (Mr. Esam Ganbour)

"Mexico (Ambassador Claude Heller)

"Russian Federation (Minister Konstantin Dolgov)

"Turkey (Minister Counsellor Fazli Çorman)

"Uganda (Ambassador Ruhakana Rugunda)

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[154] Ibid., annex I.

[155] S/2009/139.

"United Kingdom of Great Britain and Northern Ireland (Mr. Nicholas Williams)

"United States of America (Ambassador Susan Rice)

"Viet Nam (Ambassador Le Luong Minh)

"I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

"Annex

"Terms of reference of the Security Council mission to Haiti from 11 to 14 March 2009

"The terms of reference of the mission, led by Ambassador Jorge Urbina, of Costa Rica, are as follows:

"(*a*) To reaffirm the continued support of the Security Council for the Government and people of Haiti to rebuild their country, consolidate peace and stability and promote recovery and sustainable development, bearing in mind the significant setbacks which occurred in 2008;

"(*b*) To express strong support for the United Nations Stabilization Mission in Haiti and the Special Representative of the Secretary-General for Haiti and their efforts to improve stability and governance in Haiti;

"(*c*) To reiterate the importance of immediate, medium-term and long-term sustained efforts and appropriate international and regional support to consolidate peace, stability and development in Haiti, while bearing in mind the ownership and primary responsibility of the Government and people of Haiti;

"(*d*) To assess the status of implementation of relevant Council resolutions, in particular resolution 1840 (2008), and to review the progress made by the Government of Haiti, with the assistance of the international community, in particular the Mission, in addressing the interconnected challenges they face in the areas of security, including security sector reform; border management; institutional support and governance, including elections and reform processes; rule of law; human rights; and economic and social development;

"(*e*) To urge the Government of Haiti to intensify its efforts to promote an effective and all-inclusive political dialogue aimed at national reconciliation, good governance and sustainable development;

"(*f*) To review and assess the engagement of the Government of Haiti and the cooperation of Member States, including neighbouring and regional States, in coordination with the Mission, to address cross-border illicit trafficking in persons, drugs and arms and other illegal activities;

"(*g*) To review the progress achieved so far and to assess the state of planning and implementation of the upcoming electoral processes;

"(*h*) To underline the importance of mutual commitments made by the international community and Haiti and to convey the importance of the upcoming donor conference to be held in April 2009, as well as the need to see all pledges made promptly disbursed;

"(*i*) To evaluate and discuss with the Government of Haiti the situation and progress in addressing the overall humanitarian situation in the country, including the food security situation, and its implications for security, socio-economic development and stability;

"(*j*) To review the steps taken to establish a disaster and risk reduction strategy, taking into account the damage to the agricultural and infrastructure sectors arising from the hurricanes and tropical storms that struck Haiti in 2008 and the findings of the post-disaster needs assessment conducted in this regard;

"(*k*) To review and assess the level of cooperation, coordination and mutual support between the Mission and the United Nations country team and to consult the Government of Haiti and international partners in this regard, including in the area of socio-economic development and the implementation of the national strategy for growth and poverty reduction paper;

"(*l*) To assess and continue to encourage the implementation of quick-impact projects to complement security and development operations undertaken by the Haitian authorities with the support of the Mission and the country team;

"(*m*) To underline the importance of the contribution of regional organizations and mechanisms in the ongoing process of stabilization, reconstruction and development of Haiti, in particular the Organization of American States, the Caribbean Community, the 2 x 9 Mechanism on Haiti and the Working Group for Latin American Coordination and Cooperation with the Haitian National Police;

"(*n*) To reaffirm the crucial importance of advancing towards the consolidation of stability in Haiti, with particular emphasis on the consolidation plan of the Secretary-General as endorsed by the Council;[153]

"(*o*) To draw insights from lessons learned on the Mission that can inform consideration by the members of the Council of broader systemic and peacekeeping issues in connection with the ongoing review by the Council of peacekeeping operations."

On 30 March 2009, the President of the Security Council addressed the following letter to the Secretary-General:[156]

"I have the honour to inform you that your letter dated 26 March 2009 concerning your intention to appoint Major General Floriano Peixoto Vieira Neto, of Brazil, as Force Commander of the United Nations Stabilization Mission in Haiti[157] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6101st meeting, on 6 April 2009, the Council decided to invite the representatives of Argentina, Brazil, Canada, Chile, Colombia, Cuba, the Czech Republic, the Dominican Republic, Ecuador, Haiti, Jamaica, Peru, Uruguay and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The question concerning Haiti

"Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2009/129)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Hédi Annabi, Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Sylvie Lucas, President of the Economic and Social Council.

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[156] S/2009/165.

[157] S/2009/164.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Albert R. Ramdin, Assistant Secretary General of the Organization of American States, and Ms. Dora Currea, General Manager of the Department of Caribbean Countries of the Inter-American Development Bank.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Pedro Medrano, Director of the Bureau for Latin America and the Caribbean of the World Food Programme, Ms. Yvonne Tsikata, Country Director for the Caribbean of the World Bank, Mr. Niky Fabiancic, Deputy Regional Director of the Regional Bureau for Latin America and the Caribbean of the United Nations Development Programme, and Ms. Corinne Deléchat, Mission Chief for Haiti of the International Monetary Fund.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[158]

> "The Security Council welcomes the progress achieved so far in critical areas for the consolidation of Haiti's stability, namely political dialogue, extension of State authority, including border management, strengthening of security, and rule of law and human rights.
>
> "The Council notes with concern the challenges in the area of social and economic development, as there has been a marked deterioration in the living standards of the vast majority of Haitians. The Council reiterates the need for security to be accompanied by social and economic development as a way for Haiti to achieve lasting stability. In this regard, the Council calls upon the United Nations Stabilization Mission in Haiti and the United Nations country team to enhance further their coordination with the Government of Haiti and international and regional partners, while bearing in mind the ownership and primary responsibility of the Government and people of Haiti.
>
> "The Council recognizes the vital importance of the high-level donor conference on Haiti to be hosted by the Inter-American Development Bank in Washington, D.C., on 14 April 2009. The Council welcomes the valuable continuing support of donors and urges them to make available the additional technical and financial assistance required by the Government of Haiti to meet the country's immediate humanitarian, early recovery and reconstruction needs, while laying the foundations for sustainable economic and social development.
>
> "The Council urges the institutions of Haiti to intensify their efforts to meet the basic needs of the Haitian population, and to work together to promote dialogue, the rule of law and good governance.
>
> "The Council reaffirms the need for the upcoming elections for the renewal of one third of the Senate to be inclusive, free and fair. The Council calls upon all political actors in Haiti to ensure that the elections are held in a peaceful atmosphere.
>
> "The Council reiterates its strong support for the Mission and the Special Representative of the Secretary-General for Haiti, for their efforts to improve stability and governance in Haiti, while emphasizing the need for the Mission to continue to adjust to changing circumstances on the ground, and expresses its appreciation to all Member States who support the stabilization process, in particular the troop- and police-contributing countries."

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[158] S/PRST/2009/4.

THE SITUATION IN BURUNDI[159]

Decisions

At its 5966th meeting, on 26 August 2008, the Security Council decided to invite the representative of Burundi to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Burundi".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Ulla Ström, Deputy Permanent Representative of Sweden to the United Nations, on behalf of the Chairperson of the Burundi configuration of the Peacebuilding Commission.

At its 6037th meeting, on 11 December 2008, the Council decided to invite the representative of Burundi to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Burundi

> "Fourth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2008/745)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Charles Nqakula, Facilitator of the Burundi Peace Process and Minister of Defence of South Africa.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Anders Lidén, Permanent Representative of Sweden to the United Nations and Chairperson of the Burundi configuration of the Peacebuilding Commission.

At its 6057th meeting, on 22 December 2008, the Council decided to invite the representative of Burundi to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Burundi

> "Fourth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2008/745)".

Resolution 1858 (2008)
of 22 December 2008

The Security Council,

Recalling its resolutions and the statements by its President on Burundi, in particular resolutions 1719 (2006) of 25 October 2006 and 1791 (2007) of 19 December 2007,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Welcoming the Declaration of the Summit of the Heads of State and Government of the Great Lakes Region on the Burundi Peace Process, which took place in Bujumbura on 4 December 2008, and the agreements reached between the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération,

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[159] Resolutions or decisions on this question were first adopted by the Security Council in 1993.

Paying tribute to the Regional Peace Initiative on Burundi, the South African Facilitation, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts to promote the full implementation of the Comprehensive Ceasefire Agreement signed on 7 September 2006 at Dar-es-Salaam, United Republic of Tanzania, by the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération,

Taking note of the progress achieved by Burundi in key peace consolidation areas, as well as the remaining challenges, in particular implementing the Comprehensive Ceasefire Agreement with the Parti pour la libération du peuple hutu-Forces nationales de libération, consolidating democratically elected institutions, strengthening good governance, completing the disarmament, demobilization and reintegration process, and taking forward the reform of the security sector, including ensuring that the security forces and justice institutions effectively protect human rights and the rule of law,

Welcoming the establishment of the Permanent National Independent Electoral Commission, recalling the need for nominations of its members to be through an independent and inclusive process, and recalling the importance that the elections scheduled in 2010 are prepared in the spirit of reconciliation and dialogue enshrined in the Constitution of Burundi that had led to a successful transition,

Emphasizing the need for the United Nations system and the international community to maintain their support for peace consolidation and long-term development in Burundi, welcoming the continued engagement of the Peacebuilding Commission on Burundi and the recent visit of the delegation led by the Chairperson of the Burundi configuration of the Commission, and taking note of the June 2008 biannual review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi[160] and of the briefing by the Chairperson of the Burundi configuration of the Commission on 11 December 2008,[161]

Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi, and welcoming progress in the preparations for national consultations on the establishment of transitional justice mechanisms, including through the establishment of a technical follow-up committee and a forum of civil society representatives,

Noting with concern the continuing human rights violations and restrictions on civil liberties, including arrests of members of the political opposition and representatives of civil society, the media and trade unions, and welcoming the decision of the Government of Burundi to rescind its order to regulate meetings and demonstrations of political parties and associations,

Welcoming the efforts of the Burundian authorities to fight impunity, in particular the trial and conviction of some of the perpetrators of the Muyinga massacre,

Recalling its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict and its resolution 1612 (2005) of 26 July 2005 on children and armed conflict,

Having considered the fourth report of the Secretary-General on the United Nations Integrated Office in Burundi,[162]

1. *Decides* to extend until 31 December 2009 the mandate of the United Nations Integrated Office in Burundi, as set out in resolution 1719 (2006) and renewed in resolution 1791 (2007);

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[160] PBC/1/BDI/4, annex.

[161] See S/PV.6037.

[162] S/2008/745.

2. *Urges* the Government of Burundi and the Parti pour la libération du peuple hutu-Forces nationales de libération to make every effort to implement, before 31 December 2008, the agreements they reached on 4 December 2008 so as to bring this last phase of the peace process to a successful conclusion, and calls upon both parties to desist from any action that may create tension or bring about the resumption of hostilities and to resolve outstanding issues through dialogue and in a spirit of cooperation;

3. *Calls upon* the Parti pour la libération du peuple hutu-Forces nationales de libération to work with the Government of Burundi, the Joint Verification and Monitoring Mechanism and all international partners in order to encourage all its combatants to move without conditionalities to assembly areas and to fully implement the disarmament, demobilization and reinsertion process;

4. *Encourages* the leaders of the Regional Peace Initiative on Burundi, the African Union, the South African Facilitation, the Political Directorate and other international partners to sustain their efforts in order to assist the parties in the implementation of the Declaration of 4 December 2008 and to remain actively engaged on the ground to monitor the process and to ensure its sustainability;

5. *Reiterates its request* for the Secretary-General, including through the United Nations Integrated Office in Burundi, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners;

6. *Encourages* the Government of Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010, and welcomes the readiness of the United Nations to assist in the process;

7. *Requests* the Executive Representative of the Secretary-General for Burundi to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability;

8. *Encourages* the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, justice, security reforms and the protection of human rights;

9. *Encourages* the Government of Burundi, the Peacebuilding Commission and national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding in Burundi,[160] and requests the Commission, with support from the United Nations Integrated Office in Burundi and the United Nations country team, to continue to assist the Government in laying the foundations for sustainable peace and security and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections;

10. *Underscores* the importance of the disarmament, demobilization and reintegration process, and urges all international partners, in particular the United Nations Integrated Office in Burundi, the United Nations Development Programme and the World Bank, to ensure that there are no gaps in resources and capacities during the interim period between the Multi-country Demobilization and Reintegration Programme and the establishment of the Burundi-specific trust fund mechanism;

11. *Encourages*, in this regard, the Government of Burundi, in collaboration with all international partners, to elaborate a disarmament, demobilization and reintegration strategy and to lay the foundations for the sustainable socio-economic reintegration of demobilized soldiers, ex-combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, in accordance with Security Council resolutions 1325 (2000), 1612 (2005), 1674 (2006) and 1820 (2008);

12. *Also encourages* the Government of Burundi, with the support of the United Nations Integrated Office in Burundi and other partners, to ensure that national consultations

on the establishment of transitional justice mechanisms are begun as soon as possible, without further delay;

13. *Further encourages* the Government of Burundi to pursue its efforts to broaden respect for and protection of human rights, including through the establishment of a National Independent Human Rights Commission, bearing in mind the Paris Principles outlined in the annex to General Assembly resolution 48/134 of 20 December 1993, and further encourages it to end impunity and to take the necessary measures to ensure that its citizens fully enjoy their civil, political, social, economic and cultural rights without fear or intimidation, as enshrined in the Constitution of Burundi and provided for by international human rights instruments, including those ratified by Burundi;

14. *Expresses, in particular, its concern* at the continuing sexual and gender-based violence, and urges the Government of Burundi to take the necessary steps, including through specific legislation, to prevent further violations and to ensure that those responsible are brought to justice, in accordance with international law;

15. *Demands* that the Parti pour la libération du peuple hutu-Forces nationales de libération and other armed groups release unconditionally and without further delay all children associated with them, and emphasizes the need for their sustainable reintegration and reinsertion;

16. *Urges* the United Nations Integrated Office in Burundi to strengthen current provisions for cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo, within the limits of their respective capacities and current mandates;

17. *Encourages* the Executive Representative to pursue his action to enhance the integration and effectiveness of United Nations efforts on the ground in support of the implementation of the Strategic Framework for Peacebuilding in Burundi and of the recovery and development priorities of the Government and people of Burundi;

18. *Requests* the Secretary-General to report to the Council by May 2009 on the implementation of the mandate of the United Nations Integrated Office in Burundi, including on the results of the technical assessment mission that he intends to conduct early in 2009, and to incorporate in his report any recommendations that may guide the Council in deciding on the future direction of the Integrated Office;

19. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6057th meeting.

Decisions

At its 6138th meeting, on 9 June 2009, the Security Council decided to invite the representative of Burundi (Director of the Department of International Organizations of the Ministry of Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Burundi

> "Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/270)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Youssef Mahmoud, Executive Representative of the Secretary-General for Burundi and Head of the United Nations Integrated Office in Burundi, and Mr. Per Örnéus, Deputy Permanent Representative of Sweden to the United Nations, on behalf of the Chairperson of the Burundi configuration of the Peacebuilding Commission.

THE SITUATION IN AFGHANISTAN[163]

Decision

At its 5977th meeting, on 22 September 2008, the Security Council decided to invite the representative of Afghanistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Afghanistan".

Resolution 1833 (2008)
of 22 September 2008

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular resolutions 1386 (2001) of 20 December 2001, 1510 (2003) of 13 October 2003, 1776 (2007) of 19 September 2007 and 1806 (2008) of 20 March 2008,

Reaffirming also its resolutions 1267 (1999) of 15 October 1999, 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1822 (2008) of 30 June 2008, and reiterating its support for international efforts to root out terrorism in accordance with the Charter of the United Nations,

Recalling its resolutions 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000, 1674 (2006) of 28 April 2006 and 1738 (2006) of 23 December 2006 on the protection of civilians in armed conflict, its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, and its resolution 1612 (2005) of 26 July 2005 on children and armed conflict,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Recognizing that the responsibility for providing security and law and order throughout the country resides with the Afghan authorities, stressing the role of the International Security Assistance Force in assisting the Government of Afghanistan to improve the security situation, and welcoming the cooperation of the Government with the Force,

Recognizing once again the interconnected nature of the challenges in Afghanistan, reaffirming that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics, is mutually reinforcing, and welcoming the continuing efforts of the Government of Afghanistan and the international community to address these challenges through a comprehensive approach,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, noting in this context the synergies in the objectives of the United Nations Assistance Mission in Afghanistan and of the Force, and stressing the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Expressing its strong concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

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[163] Resolutions or decisions on this question were first adopted by the Security Council in 1994.

Encouraging the Force to further effectively support, within its designated responsibilities, Afghan-led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs,

Expressing its concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Government of Afghanistan to guarantee the rule of law, to provide security and basic services to the Afghan people and to ensure the full enjoyment of their human rights and fundamental freedoms,

Reiterating its support for the continuing endeavours of the Government of Afghanistan, with the assistance of the international community, including the Force and the Operation Enduring Freedom coalition, to improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups, and stressing in this context the need for sustained international efforts, including those of the Force and the coalition,

Condemning in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemning further the use by the Taliban and other extremist groups of civilians as human shields,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats, expressing its serious concern about the high number of civilian casualties in this context, noting relevant statements of Afghan authorities and high-ranking United Nations officials, as well as statements to the press by the President of the Security Council in this regard, and calling for compliance with international humanitarian and human rights law and for all appropriate measures to be taken to ensure the protection of civilians,

Recognizing also the efforts made by the Force and other international forces to minimize the risk of civilian casualties, and calling upon them to make additional robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan in cases where civilian casualties have occurred and when the Government finds these joint investigations appropriate,

Stressing the need for further progress in security sector reform, including further strengthening of the Afghan National Army and, in particular, of the Afghan National Police, disbandment of illegal armed groups, justice sector reform and counter-narcotics,

Stressing also, in this context, the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve respect for the rule of law and human rights therein,

Reiterating its call upon all Afghan parties and groups to engage constructively in peaceful political dialogue within the framework of the Afghan Constitution and in the socio-economic development of the country and to avoid resorting to violence, including through the use of illegal armed groups, and encouraging the implementation of Afghan-led reconciliation programmes within the framework of the Afghan Constitution and with full respect for the implementation of measures introduced by the Security Council in its resolution 1267 (1999) and other relevant resolutions of the Council,

Recalling the leading role that the Afghan authorities will play in the organization of the next presidential elections, with the assistance of the United Nations, and stressing the importance of the assistance to be provided to the Afghan authorities by the Force in ensuring a secure environment conducive to the elections,

Recognizing the importance of the contribution of neighbouring and regional partners for the stabilization of Afghanistan, and stressing the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan, *Welcoming* the continued coordination between the Force and the coalition, and the cooperation established between the Force and the European Union presence in Afghanistan, in particular the European Union Police Mission in Afghanistan,

Expressing its appreciation for the leadership provided by the North Atlantic Treaty Organization and for the contributions of many nations to the Force and to the coalition, including its maritime interdiction component, which operates within the framework of the counter-terrorism operations in Afghanistan and in accordance with the applicable rules of international law,

Determining that the situation in Afghanistan still constitutes a threat to international peace and security,

Determined to ensure the full implementation of the mandate of the Force, in coordination with the Government of Afghanistan,

Acting, for these reasons, under Chapter VII of the Charter,

1. *Decides* to extend the authorization of the International Security Assistance Force, as defined in resolutions 1386 (2001) and 1510 (2003), for a period of twelve months beyond 13 October 2008;

2. *Authorizes* the Member States participating in the Force to take all necessary measures to fulfil its mandate;

3. *Recognizes* the need to further strengthen the Force to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force and to make contributions to the trust fund established pursuant to resolution 1386 (2001);

4. *Stresses* the importance of increasing, within a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector, encourages the Force and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country, welcomes in this context the progress achieved by the Afghan authorities in assuming lead security responsibility for Kabul, and stresses the importance of supporting the planned expansion of the Afghan National Army;

5. *Calls upon* the Force to continue to work in close consultation with the Government of Afghanistan and the Special Representative of the Secretary-General for Afghanistan as well as with the coalition in the implementation of the mandate of the Force;

6. *Requests* the leadership of the Force to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the provision of quarterly reports;

7. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5977th meeting.

Decisions

At its 5994th meeting, on 14 October 2008, the Security Council decided to invite the representatives of Afghanistan, Germany, India, Iran (Islamic Republic of), Japan, the Netherlands, Norway and Pakistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Afghanistan

> "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2008/617)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kai Eide, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan.

On 14 November 2008, the President of the Security Council addressed the following letter to the Secretary-General:[164]

"I have the honour to inform you that the members of the Security Council have decided to send a mission to Afghanistan from 21 to 28 November 2008. The mission will be led by Ambassador Giulio Terzi di Sant'Agata, of Italy.

"The members of the Council have agreed to the terms of reference for the mission (see annex). The composition of the mission is as follows:

"Belgium (Ambassador Olivier Belle)

"Burkina Faso (Ambassador Paul Robert Tiendrébéogo)

"China (Ambassador Liu Zhenmin)

"Costa Rica (Ambassador Saúl Weisleder)

"Croatia (Mr. Toma Galli)

"France (Minister Counsellor Jean-Pierre Lacroix)

"Indonesia (Ambassador R.M. Marty M. Natalegawa)

"Italy (Ambassador Giulio Terzi di Sant'Agata)

"Libyan Arab Jamahiriya (Mr. Ahmed Gebreel)

"Panama (Ambassador Alfredo Suescum)

"Russian Federation (Minister Konstantin Dolgov)

"South Africa (Ambassador Dumisani Kumalo)

"United Kingdom of Great Britain and Northern Ireland (Ambassador John Sawers)

"United States of America (Ambassador Zalmay Khalilzad)

"Viet Nam (Ambassador Bui The Giang)

"I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

"Annex

"Security Council mission to Afghanistan: terms of reference

"1. To reaffirm the continued support of the Security Council for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations.

"2. To review the progress made by the Government of Afghanistan, with the assistance of the international community and in accordance with the Afghanistan Compact,[165] in addressing the interconnected challenges in the areas of security, governance, the rule of law and human rights, and economic and social development, as well as on the cross-cutting issue of counter-narcotics.

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[164] S/2008/708.

[165] S/2006/90, annex.

"3. To assess the status of implementation of relevant Security Council resolutions, in particular resolutions 1806 (2008) and 1833 (2008), as well as of mutual pledges and commitments made by the participants at the International Conference in Support of Afghanistan, held in Paris on 12 June 2008.

"4. To underline, in this context, the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the civilian efforts of the international community and to express strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of the United Nations Assistance Mission in Afghanistan.

"5. To review the implementation of the enhanced coordinating role assigned to the Mission and the Special Representative in resolution 1806 (2008), taking into account the need for an integrated approach and the principle of reinforcing Afghan ownership and leadership.

"6. To review efforts by the Afghan authorities, with the assistance of the international community, to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade and in the diversion of chemical precursors.

"7. To review the humanitarian situation in the country, including the food security situation, and the implications for security and stability.

"8. To assess the cooperation, coordination and mutual support between the Mission and the International Security Assistance Force, including on humanitarian and human rights issues and in supporting the electoral process, taking due account of their respective designated responsibilities.

"9. To reaffirm the crucial importance of advancing regional cooperation as an effective means to promote governance, security and development in Afghanistan."

Decisions

At its 6094th meeting, on 19 March 2009, the Security Council decided to invite the representatives of Afghanistan, Australia, Canada, the Czech Republic, Germany, India, Iran (Islamic Republic of), Italy, the Netherlands, Norway and Pakistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Afghanistan

> "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/135)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kai Eide, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan.

At its 6098th meeting, on 23 March 2009, the Council decided to invite the representative of Afghanistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Afghanistan

> "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/135)".

Resolution 1868 (2009) of 23 March 2009

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular resolution 1806 (2008) of 20 March 2008, in which it extended until 23 March 2009 the mandate of the United Nations Assistance Mission in Afghanistan as established by resolution 1662 (2006) of 23 March 2006, and resolution 1659 (2006) of 15 February 2006, in which it endorsed the Afghanistan Compact,[165] and recalling also the report of the Security Council mission to Afghanistan from 21 to 28 November 2008,[166]

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive approach to address the situation in Afghanistan, and recognizing that there is no purely military solution to ensure the stability of Afghanistan,

Reaffirming its continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations,

Reaffirming in this context its support for the implementation, under the ownership of the Afghan people, of the Afghanistan Compact, the Afghanistan National Development Strategy and the National Drug Control Strategy,[167] and noting that sustained and coordinated efforts by all relevant actors are required to consolidate progress made towards their implementation and to overcome continuing challenges,

Recalling that the Afghanistan Compact is based on a partnership between the Government of Afghanistan and the international community, based on the desire of the parties for Afghanistan to progressively assume responsibility for its own development and security, and with a central and impartial coordinating role for the United Nations,

Stressing the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the efforts of the international community, including, jointly with the Government of Afghanistan, the coordination and monitoring of efforts in implementing the Afghanistan Compact, and expressing its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of the Mission,

Welcoming the continued commitment of the international community to support the stability and development of Afghanistan, and also welcoming in this regard international initiatives, including the special conference on Afghanistan under the aegis of the Shanghai Cooperation Organization, to be held in Moscow on 27 March 2009, the international conference on Afghanistan, to be held in The Hague on 31 March 2009 and the outreach session of the Ministerial Meeting of the Group of Eight, to be held in Trieste, Italy, on 26 and 27 June 2009,

Welcoming also ongoing efforts to ensure an orderly, open, fair and democratic process that preserves stability and security through the election period, underscoring the challenges that the Afghan Independent Electoral Commission is successfully confronting, and welcoming the announcement by the Commission of the holding of presidential and provincial council elections in August 2009,

Recognizing once again the interconnected nature of the challenges in Afghanistan, reaffirming that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics, is mutually reinforcing, and welcoming the continuing efforts of the Government of Afghanistan and the international community to address these challenges through a comprehensive approach,

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[166] S/2008/782.

[167] S/2006/106, annex.

Stressing the importance of a comprehensive approach in addressing the challenges in Afghanistan, noting in this context the synergies in the objectives of the Mission and of the International Security Assistance Force, and stressing the need for strengthened cooperation, coordination and mutual support, taking due account of their respective designated responsibilities,

Stressing also the need to urgently address the humanitarian situation by improving the reach, quality and quantity of humanitarian aid, by ensuring efficient, effective and timely coordination and delivery of humanitarian assistance through enhanced coordination among the United Nations agencies, funds and programmes under the authority of the Special Representative and between the United Nations and other donors, and through the expansion and strengthening of the United Nations humanitarian presence in the provinces, where it is most needed,

Condemning the increasing attacks against humanitarian workers, and underlining the need for all parties to ensure safe and unhindered access of all humanitarian actors, including United Nations staff and associated personnel, and comply fully with applicable international humanitarian law,

Reiterating its concern about the security situation in Afghanistan, in particular the increased violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Expressing its serious concern over the harmful consequences of violent and terrorist activities by the Taliban, Al-Qaida and other extremist groups on the capacity of the Government of Afghanistan to guarantee the rule of law, to provide security and basic services to the Afghan people and to ensure the improvement and protection of their human rights and fundamental freedoms,

Recognizing the increased threats posed by the Taliban, Al-Qaida and other extremist groups as well as the challenges related to the efforts to address such threats,

Recalling its resolutions 1674 (2006) of 28 April 2006 and 1738 (2006) of 23 December 2006 on the protection of civilians in armed conflict, expressing its concern at the high number of civilian casualties, as stated in the recent report of the Secretary-General on the situation in Afghanistan,[168] reiterating its call for all feasible steps to be taken to ensure the protection of civilians, and calling for compliance with international humanitarian and human rights law as applicable,

Expressing its concern at the serious threat that anti-personnel mines, remnants of war and improvised explosive devices may pose to the civilian population, and stressing the need to refrain from the use of weapons and devices prohibited by international law,

Welcoming the declaration addressed to the International Narcotics Control Board by the Government of Afghanistan that there is no legal use for acetic anhydride in Afghanistan for the time being and that producing and exporting countries should abstain from authorizing the export of this substance to Afghanistan without a request from the Government of Afghanistan,[169] and encouraging, pursuant to resolution 1817 (2008) of 11 June 2008, Member States to increase their cooperation with the Board, notably by complying fully with the provisions of article 12 of the

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[168] S/2009/135.

[169] See S/2009/235, annex.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[170]

Recalling the importance of the Kabul Declaration on Good-neighbourly Relations of 22 December 2002,[171] looking forward to the Third Regional Economic Cooperation Conference on Afghanistan, to be held in Islamabad on 13 and 14 May 2009, and stressing the crucial importance of advancing regional cooperation as an effective means to promote security, governance and development in Afghanistan,

Expressing its support for the Afghan-Pakistani Peace Jirga process,

Recalling its resolutions 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000, 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, and its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, and taking note of the report of the Secretary-General on children and armed conflict in Afghanistan,[172]

1. *Welcomes* the report of the Secretary-General of 10 March 2009;[168]

2. *Expresses its appreciation* for the United Nations long-term commitment to work with the Government and people of Afghanistan, and reiterates its full support for the work of the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan;

3. *Decides* to extend the mandate of the Mission, as defined in resolutions 1662 (2006), 1746 (2007) of 23 March 2007 and 1806 (2008), until 23 March 2010;

4. *Decides also* that the Mission and the Special Representative, within their mandate and guided by the principle of reinforcing Afghan ownership and leadership, shall continue to lead the international civilian efforts, in accordance with their priorities as laid down in paragraph 4 of resolution 1806 (2008), namely:

(*a*) To promote, as co-chair of the Joint Coordination and Monitoring Board, more coherent support by the international community to the Government of Afghanistan and the adherence to the principles of aid effectiveness enumerated in the Afghanistan Compact,[165] including through mobilization of resources, coordination of the assistance provided by international donors and organizations and direction of the contributions of United Nations agencies, funds and programmes, in particular for counter-narcotics, reconstruction and development activities;

(*b*) To strengthen cooperation with the International Security Assistance Force at all levels and throughout the country, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations;

(*c*) Through a strengthened and expanded presence throughout the country, to provide political outreach, promote at the local level the implementation of the Afghanistan Compact, the Afghanistan National Development Strategy and the National Drug Control Strategy,[167] and facilitate inclusion in and understanding of the policies of the Government of Afghanistan;

(*d*) To provide good offices to support, if requested by the Government of Afghanistan, the implementation of Afghan-led reconciliation programmes, within the framework of the Afghan Constitution and with full respect for the implementation of measures introduced by the

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[170] United Nations, *Treaty Series*, vol. 1582, No. 27627.

[171] S/2002/1416, annex.

[172] S/2008/695.

Security Council in its resolution 1267 (1999) of 15 October 1999 and other relevant resolutions of the Council;

(*e*) To support and strengthen efforts to improve governance and the rule of law and to combat corruption at the local and national levels, and to promote development initiatives at the local level with a view to helping to bring the benefits of peace and deliver services in a timely and sustainable manner;

(*f*) To play a central coordinating role to facilitate the delivery of humanitarian assistance in accordance with humanitarian principles and with a view to building the capacity of the Government of Afghanistan, including by providing effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;

(*g*) To continue, with the support of the Office of the United Nations High Commissioner for Human Rights, to cooperate with the Afghan Independent Human Rights Commission, to cooperate also with relevant international and local non-governmental organizations, to monitor the situation of civilians, to coordinate efforts to ensure their protection and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights;

(*h*) To support, at the request of the Afghan authorities, preparations for the crucial upcoming presidential elections, in particular through the Afghan Independent Electoral Commission, by providing technical assistance, coordinating other international donors, agencies and organizations providing assistance and channelling existing and additional funds earmarked to support the process;

(*i*) To support regional cooperation to work towards a stable and prosperous Afghanistan;

5. *Calls upon* all Afghan and international parties to coordinate with the Mission in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country;

6. *Stresses* the importance of strengthening and expanding the presence of the Mission and other United Nations agencies, funds and programmes in the provinces, encourages the Secretary-General to continue his current efforts to take the measures necessary to address the security issues associated with such strengthening and expansion, and underlines the authority of the Special Representative in the coordination of all activities of United Nations agencies, funds and programmes in Afghanistan;

7. *Underscores* the importance of the upcoming presidential and provincial council elections for Afghanistan's democratic development, calls for all efforts to be made to ensure the credibility, safety and security of the elections, recognizes the key role of the Mission, at the request of the Government of Afghanistan, in supporting the electoral process, and calls upon members of the international community to provide the necessary assistance to these ends;

8. *Calls upon* the Government of Afghanistan, and the international community and international organizations, to implement the Afghanistan Compact and the annexes thereto in full, and stresses in this context the importance of meeting the benchmarks and timelines of the Compact for progress on security, governance, the rule of law and human rights, and economic and social development, as well as the cross-cutting issue of counter-narcotics;

9. *Reaffirms* the central role played by the Joint Coordination and Monitoring Board in coordinating, facilitating and monitoring the implementation of the Afghanistan Compact, and calls upon all relevant actors to cooperate with the Board in this regard;

10. *Calls upon* international donors and organizations and the Government of Afghanistan to adhere to their commitments made at the International Conference in Support of Afghanistan, held in Paris on 12 June 2008, and reiterates the importance of further efforts in improving aid coordination and effectiveness, including by ensuring transparency and combating corruption;

11. *Calls upon* the Government of Afghanistan, with the assistance of the international community, including the International Security Assistance Force and the Operation Enduring Freedom coalition, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade;

12. *Condemns in the strongest terms* all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians and Afghan and international forces and their deleterious effect on the stabilization, reconstruction and development efforts in Afghanistan, and condemns further the use by the Taliban and other extremist groups of civilians as human shields;

13. *Welcomes* the achievements to date in the implementation of the Mine Action Programme for Afghanistan, and encourages the Government of Afghanistan, with the support of the United Nations and all the relevant actors, to continue its efforts towards the removal of anti-personnel landmines, anti-tank landmines and explosive remnants of war in order to reduce the threats posed to human life and peace and security in the country;

14. *Recognizes* the efforts made by the Force and other international forces to minimize the risk of civilian casualties, and calls upon them to continue to make robust efforts in this regard, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan in cases where civilian casualties have occurred and when the Government finds these joint investigations appropriate;

15. *Emphasizes* the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and calls for full respect for relevant international law, including humanitarian law and human rights law;

16. *Expresses its strong concern* about the recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children as a result of the conflict, reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict, in particular attacks against schools, calls for those responsible to be brought to justice, stresses the importance of implementing Council resolution 1612 (2005) in this context, and requests the Secretary-General to strengthen the child protection component of the Mission, in particular through the appointment of child protection advisers;

17. *Reiterates* the importance of increasing, within a comprehensive framework, the functionality, professionalism and accountability of the Afghan security sector through training, mentoring and empowerment efforts, in order to accelerate progress towards the goal of self-sufficient and ethnically balanced Afghan security forces providing security and ensuring the rule of law throughout the country;

18. *Welcomes*, in this context, the continued progress in the development of the Afghan National Army and its improved ability to plan and undertake operations, and encourages sustained training efforts, including through the operational mentoring and liaison teams, and advice in developing a sustainable defence planning process as well as assistance in defence reform initiatives;

19. *Takes note with appreciation* of the recent serious efforts of the Afghan authorities to enhance the capabilities of the Afghan National Police, calls for further efforts towards that goal, including through the Focused District Development programme, and stresses the importance, in this context, of international assistance through financial support and the provision of trainers and mentors, including the contribution of the European Union through the European Union Police Mission in Afghanistan;

20. *Welcomes* the progress in the implementation by the Government of Afghanistan of the programme of disbandment of illegal armed groups, and calls for accelerated efforts for further progress, with support from the international community;

21. *Takes note* of the recent progress in addressing opium production, remains concerned at the serious harm that opium cultivation, production and trafficking continue to cause to the security, development and governance of Afghanistan as well as to the region and internationally, calls upon the Government of Afghanistan, with the assistance of the international community, to accelerate the implementation of the National Drug Control Strategy, including through alternative livelihood programmes, and to mainstream counter-narcotics throughout national programmes, and encourages additional international support for the four priorities identified in the Strategy;

22. *Calls upon* States to strengthen international and regional cooperation to counter the threat to the international community posed by the illicit production of and trafficking in drugs originating in Afghanistan, including through border management cooperation in drug control and cooperation for the fight against the illicit trafficking in drugs and precursors and against money-laundering linked to such trafficking, taking into account the outcome of the Second Ministerial Conference on Drug Trafficking Routes from Afghanistan, organized by the Government of the Russian Federation in cooperation with the United Nations Office on Drugs and Crime and held in Moscow from 26 to 28 June 2006,[173] within the framework of the Paris Pact initiative,[174] and in this regard calls for full implementation of Council resolution 1817 (2008);

23. *Welcomes* the launch of the National Justice Programme, and reiterates the importance of its full, sequenced, timely and coordinated implementation by all the relevant Afghan institutions and other actors with a view to accelerating the establishment of a fair and transparent justice system, eliminating impunity and contributing to the affirmation of the rule of law throughout the country;

24. *Stresses*, in this context, the importance of further progress in the reconstruction and reform of the prison sector in Afghanistan, in order to improve respect for the rule of law and human rights therein;

25. *Notes with strong concern* the effects of widespread corruption on security, good governance, counter-narcotics efforts and economic development, and urges the Government of Afghanistan, with the assistance of the international community, to vigorously lead the fight against corruption and to enhance its efforts to establish a more effective, accountable and transparent administration;

26. *Encourages* all Afghan institutions, including the executive and legislative branches, to work in a spirit of cooperation, calls upon the Government of Afghanistan to pursue continued legislative and public administration reform in order to ensure good governance, full representation and accountability at both the national and the subnational levels, and stresses the need for further international efforts to provide technical assistance in this area;

27. *Encourages* the international community to assist the Government of Afghanistan in making capacity-building and human resources development a cross-cutting priority;

28. *Calls for* full respect for human rights and fundamental freedoms and international humanitarian law throughout Afghanistan, notes with concern the increasing restrictions on freedom of the media, commends the Afghan Independent Human Rights Commission for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect those rights and to promote the emergence of a pluralistic civil society, and stresses the importance of full cooperation with the Commission by all relevant actors;

29. *Recognizes* the significant progress achieved on gender equality in Afghanistan in recent years, strongly condemns continuing forms of discrimination and violence against women and girls, in particular violence aimed at preventing girls from attending school, stresses the importance of implementing Council resolutions 1325 (2000) and 1820 (2008), and requests the

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[173] See S/2006/598, annex.

[174] See S/2003/641, annex.

Secretary-General to continue to include in his reports to the Council relevant information on the process of integration of women into the political, economic and social life of Afghanistan;

30. *Welcomes* the efforts of the Government of Afghanistan to promote dialogue with those elements in opposition to the Government who are ready to renounce violence, denounce terrorism and accept the Afghan Constitution, and calls for enhanced efforts to ensure the full implementation of the Action Plan on Peace, Justice and Reconciliation in accordance with the Afghanistan Compact, without prejudice to the implementation of measures introduced by the Council in its resolution 1267 (1999) and other relevant resolutions of the Council;

31. *Also welcomes* the cooperation of the Government of Afghanistan and the Mission with the Security Council Committee established pursuant to resolution 1267 (1999) in the implementation of resolution 1822 (2008) of 30 June 2008, including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban using proceeds derived from illicit cultivation and production of and trafficking in narcotic drugs and their precursors, and encourages the continuation of such cooperation;

32. *Further welcomes* ongoing efforts by the Government of Afghanistan and its neighbouring and regional partners to foster trust and cooperation with each other, as well as recent cooperation initiatives developed by the countries concerned and regional organizations, including the Second Trilateral Summit of Afghanistan, Pakistan and Turkey, held in Istanbul, Turkey, on 5 December 2008, and the ministerial meeting held in La Celle-Saint-Cloud, France, on 14 December 2008, and stresses the importance of increasing cooperation between Afghanistan and the partners against the Taliban, Al-Qaida and other extremist groups, in promoting peace and prosperity in Afghanistan and in fostering cooperation in the economic and development sectors as a means to achieve the full integration of Afghanistan into regional dynamics and the global economy;

33. *Calls for* the strengthening of the process of regional economic cooperation, including measures to facilitate regional trade, to increase foreign investments and to develop infrastructure, noting Afghanistan's historical role as a land bridge in Asia;

34. *Recognizes* the importance of the voluntary, safe, orderly return and sustainable reintegration of the remaining Afghan refugees for the stability of the country and the region, and calls for continued and enhanced international assistance in this regard;

35. *Affirms* the importance of the voluntary, safe, orderly return and sustainable reintegration of internally displaced persons;

36. *Requests* the Secretary-General to report to the Council every three months on developments in Afghanistan, and to develop, for inclusion in his next report, benchmarks for measuring and tracking progress in the implementation of the mandate of the Mission and priorities as set out in paragraph 4 of the present resolution, and calls upon all actors concerned to cooperate with the Mission in this process;

37. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6098th meeting.

Decisions

At its 6154th meeting, on 30 June 2009, the Security Council decided to invite the representatives of Afghanistan, Australia, Canada (Minister for Foreign Affairs), the Czech Republic, Germany, India, Iran (Islamic Republic of), Italy, the Netherlands, New Zealand, Norway and Pakistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Afghanistan

> "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/323)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Kai Eide, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan.

At its 6162nd meeting, on 15 July 2009, the Council decided to invite the representative of Afghanistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Afghanistan

> "Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2009/323)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[175]

> "The Security Council welcomes the Afghan-led preparations for the upcoming presidential and provincial council elections and stresses the importance that the elections be free, fair, transparent, credible, secure and inclusive. The Council also calls upon the people of Afghanistan to exercise their vote in this historic opportunity for all Afghans to make their voices heard. The Council calls upon all parties concerned to adhere to the fundamental principles laid down in the electoral law and all other relevant regulations, the presidential decree on non-interference in election affairs, and the guidelines issued by the Special Representative of the Secretary-General for Afghanistan to ensure a credible electoral process. It reaffirms the primary responsibility of the Government of Afghanistan and the Afghan Independent Electoral Commission to set the necessary conditions for elections, with the active support of the international community. The Council welcomes the intention of international partners, including the European Union and the Organization for Security and Cooperation in Europe, to send electoral observation missions and support teams at the request of the Government of Afghanistan. The Council stresses the importance of a secure environment for conducting elections, condemns those who resort to violence to obstruct the electoral process, and, while recognizing the ongoing efforts of the Government, encourages its additional efforts, with the assistance of the International Security Assistance Force, to ensure security during the electoral period.
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> "The Council welcomes the strengthened commitment that the international community has shown recently in various forums, including those in Moscow, The Hague, Ankara, Strasbourg/Kehl, Washington, D.C., Islamabad, Tehran, Yekaterinburg and Trieste, to help the Government of Afghanistan to build a stable and prosperous Afghanistan well integrated in its region.
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> "The Council emphasizes the central role of the United Nations Assistance Mission in Afghanistan and the Special Representative in leading and coordinating the international civilian efforts in Afghanistan and notes the expectation expressed at the Hague conference for the expansion of the presence of the Mission. In this regard, the Council expresses its support for the intention of the Secretary-General to further strengthen the Mission in 2009 and invites the Secretary-General to provide further details of his proposals.
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> "The Council welcomes the progress achieved by the Government of Afghanistan in implementing the Afghanistan Compact[165] and the Afghanistan National Development Strategy during the period covered by the latest report of the Secretary-General,[176] encourages the Government to undertake enhanced efforts in addressing issues in the areas of security, governance, the rule of law and human rights, including gender equality, and

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[175] S/PRST/2009/21.

[176] S/2009/323.

economic and social development, as well as the cross-cutting issue of counter-narcotics, and calls upon the international community to continue to support the efforts of the Government, including provision of humanitarian assistance, in this regard. The Council recalls the priorities identified at the Paris conference and reaffirmed at the Hague conference, and emphasizes the importance of providing sufficient support needed for progress in these priority areas.

"The Council takes note of the status of the work of developing benchmarks for measuring and tracking progress in the implementation of the mandate and priorities of the Mission and expresses its hope that the work will be completed through consultation with all actors concerned and that finalized benchmarks will be included in the next report of the Secretary-General."

THE SITUATION IN SIERRA LEONE[177]

Decision

At its 5948th meeting, on 4 August 2008, the Security Council decided to invite the representative of Sierra Leone to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Sierra Leone

> "Sixth report of the Secretary-General on the United Nations Integrated Office in Sierra Leone (S/2008/281)".

Resolution 1829 (2008)
of 4 August 2008

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Sierra Leone,

Commending the valuable contribution that the United Nations Integrated Office in Sierra Leone has made to the recovery of Sierra Leone from conflict and to the country's peace, security and development,

Welcoming the report of the Secretary-General of 29 April 2008[178] and his recommendations on the United Nations Integrated Peacebuilding Office in Sierra Leone,

Welcoming also the holding of peaceful and democratic local elections in July 2008 as another important milestone in consolidating a sustainable peace in Sierra Leone,

Emphasizing the importance of the continued support of the United Nations system and the international community for the long-term peace, security and development of Sierra Leone, particularly through the strengthening of the capacity of the Government of Sierra Leone,

Stressing the importance of a smooth transition between the United Nations Integrated Office in Sierra Leone and the new United Nations Integrated Peacebuilding Office in Sierra Leone, and of the effective and efficient operation of that Office,

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[177] Resolutions or decisions on this question were first adopted by the Security Council in 1995.

[178] S/2008/281.

Welcoming the progress in the implementation of the Sierra Leone Peacebuilding Cooperation Framework,[179] and encouraging the Government of Sierra Leone to continue its close engagement with the Peacebuilding Commission by implementing the recommendations of the first biannual review of the Framework,[180]

Welcoming also the progress made in reforming the security sector in Sierra Leone and, in particular, the developing professionalism of the Republic of Sierra Leone Armed Forces and the Sierra Leone Police, and underlining the importance of the planned further strengthening and rationalizing of the security architecture so that the Armed Forces and the Police are sustainable in the long term and able to carry out their tasks effectively,

Reiterating its appreciation for the work of the Special Court for Sierra Leone and its vital contribution to reconciliation, peacebuilding and the rule of law in Sierra Leone, reiterating its expectation that the Court will finish its work expeditiously, and recognizing that further arrangements will be needed to address residual matters after trials and appeals are completed,

Welcoming the role played by the Economic Community of West African States, and encouraging the member States of the Mano River Union and other organizations to continue their efforts aimed at building regional and subregional peace and security,

1. *Requests* the Secretary-General to establish the United Nations Integrated Peacebuilding Office in Sierra Leone, as recommended in his report,[178] for a period of twelve months beginning on 1 October 2008, with the key tasks as specified in paragraphs 3, 4, 5 and 8 below;

2. *Welcomes* the recommendation of the Secretary-General in his report that the United Nations Integrated Peacebuilding Office in Sierra Leone should be headed by an Executive Representative of the Secretary-General who would also serve as the Resident Representative of the United Nations Development Programme and United Nations Resident Coordinator, and underlines the need for appropriate expertise and adequate material resources so that the Office can effectively and efficiently implement its mandate;

3. *Requests* that the United Nations Integrated Peacebuilding Office in Sierra Leone focus on and support the Government of Sierra Leone in the following areas:

(*a*) Providing political support to national and local efforts for identifying and resolving tensions and threats of potential conflict, whatever the source;

(*b*) Monitoring and promoting human rights, democratic institutions and the rule of law, including efforts to counter transnational organized crime and drug trafficking;

(*c*) Consolidating good governance reforms, with a special focus on anti-corruption instruments such as the Anti-Corruption Commission;

(*d*) Supporting decentralization, reviewing the 1991 Constitution and the enactment of relevant legislation;

(*e*) Closely coordinating with and supporting the work of the Peacebuilding Commission, as well as the implementation of the Sierra Leone Peacebuilding Cooperation Framework[179] and projects supported through the Peacebuilding Fund;

4. *Underlines* the importance of establishing a fully integrated office with effective coordination of strategy and programmes among the United Nations agencies, funds and programmes in Sierra Leone, and emphasizes the need for the United Nations system to support and cooperate fully with the United Nations Integrated Peacebuilding Office in Sierra Leone, in accordance with the Executive Representative's function as Resident Representative and Resident Coordinator;

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[179] PBC/2/SLE/1.

[180] See PBC/2/SLE/8.

5. *Stresses* the need for close cooperation between the United Nations Integrated Peacebuilding Office in Sierra Leone, the Economic Community of West African States, the Mano River Union, international partners and other United Nations missions in the region;

6. *Emphasizes* that the Government of Sierra Leone bears the primary responsibility for peacebuilding, security and long-term development in the country, and encourages the Government to continue its close engagement with the Peacebuilding Commission in this regard, including through the regular monitoring of progress in the implementation of the Sierra Leone Peacebuilding Cooperation Framework, and further encourages international partners to continue to provide support to the Government and to cooperate with the Commission;

7. *Calls upon* the Government of Sierra Leone and all other stakeholders in the country to increase their efforts to promote good governance, including through the effective functioning of local government and continued measures to combat corruption and improve accountability; promote the development of the private sector to generate wealth and employment opportunities, in particular for young people; strengthen the judiciary; and advance human rights, including through the implementation of the recommendations of the Truth and Reconciliation Commission;

8. *Emphasizes* the important role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008, underlines that a gender perspective should be taken into account in implementing all aspects of the mandate of the United Nations Integrated Peacebuilding Office in Sierra Leone, and encourages the Office to work with the Government of Sierra Leone in this regard;

9. *Requests* that the Secretary-General keep the Security Council informed, every four months, on the implementation of the mandate of the United Nations Integrated Peacebuilding Office in Sierra Leone and the present resolution, with the first report due by 31 January 2009;

10. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5948th meeting.

Decisions

On 8 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[181]

> "I have the honour to inform you that your letter of 5 January 2009 concerning your intention to appoint Mr. Michael von der Schulenburg, of Germany, as Executive Representative of the Secretary-General for the United Nations Integrated Peacebuilding Office in Sierra Leone as well as Resident Representative of the United Nations Development Programme and United Nations Resident Coordinator[182] has been brought to the attention of the members of the Security Council. They have taken note of the intention expressed in your letter."

At its 6080th meeting, on 9 February 2009, the Council decided to invite the representative of Sierra Leone to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Sierra Leone

> "First report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone (S/2009/59)".

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[181] S/2009/18.

[182] S/2009/17.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Michael von der Schulenburg, Executive Representative of the Secretary-General for Sierra Leone and Head of the United Nations Integrated Peacebuilding Office in Sierra Leone, and Mr. Frank Majoor, Permanent Representative of the Netherlands to the United Nations and Chairperson of the Sierra Leone configuration of the Peacebuilding Commission.

At its 6137th meeting, on 8 June 2009, the Council decided to invite the representative of Sierra Leone (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Sierra Leone
>
> > "Second report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone (S/2009/267)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Michael von der Schulenburg, Executive Representative of the Secretary-General for Sierra Leone and Head of the United Nations Integrated Peacebuilding Office in Sierra Leone, and Mr. John McNee, Permanent Representative of Canada to the United Nations and Chairperson of the Sierra Leone configuration of the Peacebuilding Commission.

At its 6163rd meeting, on 16 July 2009, the Council decided to invite the representative of Sierra Leone to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Sierra Leone".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Justice Renate Winter, President of the Special Court for Sierra Leone, and Mr. Stephen Rapp, Prosecutor of the Special Court for Sierra Leone.

RELATIONS BETWEEN CAMEROON AND NIGERIA[183]

Decision

On 9 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[184]

> "I have the honour to inform you that your letter dated 3 December 2008 concerning your intention to continue the activities of the United Nations support team to the Cameroon-Nigeria Mixed Commission, with funding from the regular budget,[185] has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein. They also urge the members of the Mixed Commission to work with international donors to seek further voluntary contributions."

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[183] Resolutions or decisions on this question were first adopted by the Security Council in 1996.

[184] S/2008/757.

[185] S/2008/756.

THE SITUATION IN THE GREAT LAKES REGION[186]

Decisions

On 5 November 2008, the President of the Security Council addressed the following letter to the Secretary-General:[187]

> "I have the honour to inform you that your letter dated 3 November 2008 concerning your decision to appoint Mr. Olusegun Obasanjo, former President of Nigeria, as your Special Envoy for eastern Democratic Republic of the Congo[188] has been brought to the attention of the members of the Security Council, who have taken note of the decision referred to in that letter."

At its 6058th meeting, on 22 December 2008, the Council decided to invite the representative of Uganda to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in the Great Lakes region".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[189]

> "The Security Council is grateful for the efforts undertaken by Mr. Joaquim Chissano, former President of Mozambique, as the Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas. The Council expresses its appreciation for his briefing of 17 December 2008, and agrees with his recommendation that the peace efforts should continue. The Council welcomes President Chissano's readiness to continue in his role for a further period.
>
> "The Council reiterates its welcome of the Final Peace Agreement, negotiated between the Government of Uganda and the Lord's Resistance Army and reached through the Juba peace process. The Council commends the Government of Uganda for its continued commitment to the Agreement and its investment in the peace process.
>
> "The Council condemns the repeated failure of Mr. Joseph Kony to sign the Final Peace Agreement. It calls upon the Lord's Resistance Army to sign and honour the Agreement immediately and to begin the process of disarmament, demobilization and reintegration to ensure a peaceful, political solution.
>
> "The Council strongly condemns the recent attacks by the Lord's Resistance Army in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security. It demands that the Lord's Resistance Army cease its recruitment and use of children and that it release immediately all women, children and other non-combatants, in accordance with Council resolution 1612 (2005). The Council reiterates its deep concern at the long-running and brutal insurgency by the Lord's Resistance Army, which has caused the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo.
>
> "The Council recalls the International Criminal Court arrest warrants for certain leaders of the Lord's Resistance Army on charges of, among other things, war crimes and crimes against humanity, including murder, rape and the enlistment of children through abduction. The Council recalls the statement by its President of 22 June 2006,[190] and reaffirms that it attaches vital importance to promoting justice and the rule of law, including

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[186] Resolutions or decisions on this question were first adopted by the Security Council in 1996.

[187] S/2008/685.

[188] S/2008/684.

[189] S/PRST/2008/48.

[190] S/PRST/2006/28.

> respect for human rights, as an indispensable element for lasting peace. The Council reaffirms that ending impunity is essential for a society recovering from conflict to come to terms with past abuses committed against civilians and to prevent their recurrence.
>
> "The Council commends the States in the region for their increased cooperation and welcomes the joint efforts they have made to address the security threat posed by the Lord's Resistance Army. The Council calls upon these States to ensure that all actions are carried out in accordance with international humanitarian, human rights and refugee law and to take appropriate measures to protect civilians. The Council encourages these States to keep the United Nations missions in the region informed about their actions.
>
> "The Council welcomes the re-establishment of peace and security in northern Uganda. It encourages the Government of Uganda, with the support of international partners, to honour its commitment to accelerate reconciliation, recovery and development in that region through rapid implementation of its Peace, Recovery and Development Plan for Northern Uganda and relevant agenda items in the Final Peace Agreement and to disburse anticipated financing for the Peace, Recovery and Development Plan without delay.
>
> "The Council will continue to monitor the situation closely."

On 29 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[191]

> "I have the honour to inform you that your letter dated 23 December 2008 concerning your recommendation that the mandate of the temporary Liaison Office of your Special Envoy for the Lord's Resistance Army-affected areas, which expires on 31 December 2008, be upgraded to a special political mission for the Special Envoy in Uganda and be extended through 31 December 2009[192] has been brought to the attention of the members of the Security Council. They take note of the information and recommendation contained in your letter."

At its 6067th meeting, on 15 January 2009, the Council considered the item entitled "The situation in the Great Lakes region".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Olusegun Obasanjo, Special Envoy of the Secretary-General for the Great Lakes Region.

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[193]

On 29 May 2009, the President of the Security Council addressed the following letter to the Secretary-General:[194]

> "I have the honour to inform you that your letter dated 26 May 2009 concerning your intention to suspend, as of 30 June 2009, the assignment of Mr. Joaquim Chissano as your Special Envoy for the Lord's Resistance Army-affected areas[195] has been brought to the attention of the members of the Security Council. They take note of the information and intention contained in your letter. They also wish to take this opportunity to express their appreciation to Mr. Chissano for his important contribution to the northern Uganda peace process."

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[191] S/2008/827.

[192] S/2008/826.

[193] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

[194] S/2009/282.

[195] S/2009/281.

THE SITUATION CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO[196]

Decisions

On 3 September 2008, the President of the Security Council addressed the following letter to the Secretary-General:[197]

> "I have the honour to inform you that your letter dated 2 September 2008 concerning your intention to appoint General Vicente Diaz de Villegas, of Spain, as Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo[198] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 5998th meeting, on 21 October 2008, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[199]

> "The Security Council expresses its grave concern at the resurgence of violence in the eastern provinces of the Democratic Republic of the Congo and its potential regional implications. It is alarmed by the humanitarian consequences of the recent fighting and urges all parties to immediately respect a ceasefire.
>
> "The Council expresses its deep concern over continued threats to the safety of the civilian population and to the conduct of humanitarian operations. The Council strongly condemns the continuing recruitment and use of children by armed groups as well as the continued prevalence of sexual and gender-based violence in the eastern region of the Democratic Republic of the Congo. It urges all parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law.
>
> "The Council reiterates the need to respect the sovereignty and territorial integrity of the Democratic Republic of the Congo. It once again calls upon all armed groups to immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and the United Nations Organization Mission in the Democratic Republic of the Congo for their disarmament, repatriation, resettlement and/or reintegration, as appropriate.
>
> "The Council reaffirms that the Goma and Nairobi processes constitute the framework within which long-term stability in the eastern region of the Democratic Republic of the Congo should be pursued. The Council urges all the parties to the Goma and Nairobi agreements to implement their commitments effectively and in good faith. In this respect, the Council strongly condemns the recent declarations by Mr. Laurent Nkunda calling for a national rebellion.
>
> "The Council reiterates its strong support for the Mission in helping to restore peace in the Kivus and encourages the Mission to reinforce its action to ensure the protection of

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[196] Resolutions or decisions on this question were first adopted by the Security Council in 1997.

[197] S/2008/592.

[198] S/2008/591.

[199] S/PRST/2008/38.

> civilians. The Council expresses its full support for the disengagement plan elaborated by the Mission and accepted by the Government of the Democratic Republic of the Congo and urges all parties to abide by it.
>
> "The Council welcomes the intention of the Mission to reconfigure its forces and optimize their deployment so as to enhance its efficiency within the existing mandate and troop ceiling. The Council takes note of the additional capacities for the Mission requested by the Special Representative of the Secretary-General for the Democratic Republic of the Congo. The Council requests the Secretary-General to present a full analysis of the situation and recommendations in his next report to the Council.
>
> "The Council urges the Government of the Democratic Republic of the Congo to take effective steps to ensure that there is no cooperation between elements of the Armed Forces of the Democratic Republic of the Congo and the Forces démocratiques de libération du Rwanda. The Council also calls upon the Governments in the region to cease all support to the armed groups in the eastern region of the Democratic Republic of the Congo.
>
> "The Council urges the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to urgently engage in efforts to settle their differences, including by reactivating the Joint Verification Mechanism, and calls upon them to implement fully the Nairobi communiqué of 9 November 2007.[200] The Council encourages the Secretary-General to step up his efforts to facilitate dialogue between Rwanda and the Democratic Republic of the Congo.
>
> "The Council strongly condemns the recent attacks by the Lord's Resistance Army, including the abduction by the Lord's Resistance Army of 159 schoolchildren in villages in Orientale Province. The Council recalls the International Criminal Court indictments against members of the Lord's Resistance Army leadership on charges of, among other things, enlistment of children through abduction, as a war crime."

At its 6006th meeting, on 29 October 2008, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[201]

> "The Security Council condemns the recent offensive by the Congrès national pour la défense du peuple in the eastern region of the Democratic Republic of the Congo and demands that it bring its operations to an end. The Council welcomes the announcement by Mr. Laurent Nkunda of an immediate ceasefire and looks to Mr. Nkunda to ensure its effective and durable implementation, and the re-engagement of the Congrès national pour la défense du peuple in the Goma process. The Council expresses its grave concern about the dramatic humanitarian consequences of the recent fighting. The Council urges all parties to respect fully their obligations under international law to protect civilians, to ensure access to the population in need and to guarantee the safety and security of humanitarian personnel. The Council affirms that any attack against the civilian population, including at major population centres, is totally unacceptable.
>
> "The Council urges all the signatories to the Goma and Nairobi processes to implement their commitments effectively and in good faith. In this respect, the Council calls upon the authorities of the Democratic Republic of the Congo and Rwanda to take

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[200] S/2007/679, annex.

[201] S/PRST/2008/40.

concrete steps to defuse tensions and to restore stability in the region. The Council strongly supports the efforts of the Secretary-General to facilitate the dialogue between the leaders of the two countries and encourages him to send a special envoy tasked with this mission as soon as possible.

"The Council urges the Government of the Democratic Republic of the Congo to take effective steps to ensure that there is no cooperation between elements of the Armed Forces of the Democratic Republic of the Congo and the Forces démocratiques de libération du Rwanda. The Council also calls upon the Governments of the region to cease all support to the armed groups in the eastern region of the Democratic Republic of the Congo. The Council expresses its concern at the reports of heavy weapons fire across the Democratic Republic of the Congo-Rwanda border. The Council reiterates its determination to continue to monitor closely the implementation of the arms embargo and other measures as set out in its resolution 1807 (2008).

"The Council expresses its full support for the United Nations Organization Mission in the Democratic Republic of the Congo and condemns all attacks, regardless of their perpetrators, launched against the Mission in the past days. The Council calls upon the Mission to continue to implement fully its mandate, in all its aspects, in particular by robust actions to protect civilians at risk and to deter any attempt by any armed group to threaten the political process.

"The Council duly notes the reinforcement of the Mission requested by the Secretariat. The Council will study expeditiously that request in view of the developments of the situation on the ground."

On 31 October 2008, the President of the Security Council addressed the following letter to the Secretary-General:[202]

"I have the honour to inform you that your letter dated 31 October 2008 concerning your intention to reappoint Lieutenant General Babacar Gaye, of Senegal, as Interim Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo[203] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

In a letter dated 5 November 2008,[204] the President of the Security Council informed the Secretary-General that his letter dated 3 November 2008[205] had been brought to the attention of the members of the Security Council, and that they took note of the decision referred to therein.

At its 6018th meeting, on 20 November 2008, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

"Letter dated 31 October 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/703)".

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[202] S/2008/682.

[203] S/2008/681.

[204] The letter, which was issued as a Security Council document under the symbol S/2008/685, has been reproduced on page 126 of the present volume.

[205] S/2008/684.

Resolution 1843 (2008)
of 20 November 2008

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolutions 1756 (2007) of 15 May 2007 and 1794 (2007) of 21 December 2007 and the statement by its President of 29 October 2008,[201]

Expressing its strong support for the United Nations Organization Mission in the Democratic Republic of the Congo in its efforts to restore peace in the Kivus, and taking note of the letter dated 31 October 2008 from the Secretary-General to the President of the Security Council requesting additional capacities for the Mission in order to ensure the effective implementation of its mandate,[206]

Recalling that, under resolution 1794 (2007), the mandate of the Mission expires on 31 December 2008, and looking forward to the report and recommendations of the Secretary-General regarding the mandate and reconfiguration of the Mission,

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Reiterating its condemnation of the resurgence of violence in the eastern region of the Democratic Republic of the Congo, and demanding that all parties immediately respect a ceasefire,

Welcoming the appointment of the former President of Nigeria, Mr. Olusegun Obasanjo, by the Secretary-General as his Special Envoy for the Great Lakes Region, and calling upon all parties to the conflict to cooperate with him in finding an urgent political solution to the crisis,

Expressing its extreme concern at the deteriorating humanitarian situation and, in particular, the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, and considering that this situation should be addressed as a matter of urgency,

Urging all parties to ensure timely, safe and unhindered access of all humanitarian actors and to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to authorize, as recommended by the Secretary-General in his letter dated 31 October 2008 to the President of the Security Council,[206] a temporary increase of the authorized military strength of the United Nations Organization Mission in the Democratic Republic of the Congo of up to 2,785 military personnel, and the strength of its formed police unit of up to 300 personnel;

2. *Authorizes* the immediate deployment of those additional capacities until 31 December 2008, and expresses its intention to extend this authorization on the occasion of the renewal of the mandate of the Mission, underlining that the duration of stay of the additional forces will depend on the security situation in the Kivus;

3. *Stresses* that this temporary increase in personnel aims at enabling the Mission to reinforce its capacity to protect civilians, to reconfigure its structure and forces and to optimize their deployment;

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[206] S/2008/703.

4. *Underscores* the importance of the Mission implementing its mandate in full, including through robust rules of engagement;

5. *Emphasizes* that the Mission will be reviewed in view of the recent developments by 31 December 2008;

6. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6018th meeting.

Decisions

At its 6024th meeting, on 26 November 2008, the Security Council decided to invite the representatives of the Democratic Republic of the Congo and Rwanda to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

> "Fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2008/728)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alan Doss, Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Mission in the Democratic Republic of the Congo.

At its 6055th meeting, on 22 December 2008, the Council decided to invite the representatives of the Democratic Republic of the Congo (Minister for Foreign Affairs) and Rwanda to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

> "Fourth special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2008/728 and Add.1)".

Resolution 1856 (2008)
of 22 December 2008

The Security Council,

Recalling its resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolutions 1794 (2007) of 21 December 2007 and 1843 (2008) of 20 November 2008 and the statements by its President of 21 October 2008[199] and 29 October 2008,[201]

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Condemning the repeated offensive military actions by the Congrès national pour la défense du peuple in the past months, which have caused massive displacement of populations in North Kivu as well as cross-border movements of refugees and which have also involved the Coalition des patriotes résistants congolais and other illegal armed groups, and condemning also the attacks by the Lord's Resistance Army in Orientale Province, as well as the resumption of hostilities by illegal armed groups in Ituri, *Underlining* that a major obstacle to lasting peace in the Kivus is the presence and activities of illegal armed groups on Congolese territory, including the Forces démocratiques de libération du Rwanda, as acknowledged in its resolution 1804 (2008) of 13 March 2008, which represent one of the primary causes for the conflict in the region,

Taking note of the final declaration of the Nairobi summit organized on 7 November 2008 by President Mwai Kibaki, acting Chairman of the International Conference on the Great Lakes Region, and President Jakaya Kikwete, President-in-office of the African Union, and the communiqué of the extraordinary summit of the Heads of State and Government of the Southern African Development Community, held in Sandton, South Africa, on 9 November 2008, welcoming the appointment of facilitators, including the Special Envoy of the Secretary-General for the Great Lakes Region, the former President of Nigeria, Mr. Olusegun Obasanjo, and the former President of the United Republic of Tanzania, Mr. Benjamin Mkapa, inviting these facilitators to keep the Security Council informed of their activities, and encouraging the countries of the region to maintain this high level of commitment on the crisis in the eastern part of the Democratic Republic of the Congo, and to act to assist efforts to resolve the conflict,

Recalling the joint communiqué of the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda signed at Nairobi on 9 November 2007[200] and the Acte d'engagement which emerged from the Conference on Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, and reaffirming that the Goma and Nairobi processes are the appropriate framework for stabilizing the situation in the eastern part of the Democratic Republic of the Congo,

Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by Council resolution 1807 (2008) of 31 March 2008 or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development in the Great Lakes Region, urging them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo, and welcoming the progress made in high-level bilateral talks between the Governments of the Democratic Republic of the Congo and Rwanda,

Recalling the importance of urgently carrying out comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and the contribution made by international partners in this field,

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation of and trafficking in arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo,

Expressing its extreme concern at the deteriorating humanitarian and human rights situation, condemning in particular the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, stressing the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo and other relevant actors, to end those violations of human rights and international humanitarian law, in particular those carried out by the militias and armed groups and by elements of the Armed Forces of the Democratic Republic of the Congo, the Congolese National Police and other security and intelligence services, and to bring the perpetrators, as well as the senior commanders under whom they serve, to justice, and calling upon Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Recalling its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1502 (2003) of 26 August 2003 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict and its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, and recalling the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict of the Democratic Republic of the Congo,[207]

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and declaring its determination to continue to monitor closely the implementation of the arms embargo and other measures set out in its resolution 1807 (2008),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo and its international partners to consolidate democracy and promote the rule of law, good governance, recovery and development,

Expressing its full support for the Mission, condemning all attacks against United Nations peacekeepers and humanitarian personnel, regardless of the perpetrators, and emphasizing that those responsible for such attacks must be brought to justice,

Recalling that the temporary increase of the capacities of the Mission authorized by its resolution 1843 (2008) aims at enabling the Mission to reorganize and, in particular, reconfigure its structure and forces and optimize their deployment, allowing the constitution of a quick-reaction capability to provide greater flexibility to deploy as needed to strengthen efforts to protect civilians and provide additional security in the eastern part of the Democratic Republic of the Congo,

Recognizing that effective coordination between the Government of the Democratic Republic of the Congo and the Mission on security matters in the areas of conflict, as well as the accelerated building of credible, cohesive and disciplined Congolese armed forces, is essential for the implementation of the mandate of the Mission,

Taking note of the fourth special report of the Secretary-General on the Mission, of 21 November 2008,[208] and of the recommendations contained therein,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo until 31 December 2009, and authorizes the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units;

2. *Requests* the Mission to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressively during the coming year its action in the eastern part of the Democratic Republic of the Congo;

3. *Decides* that the Mission shall, from the adoption of the present resolution, have the following mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo:

Protection of civilians, humanitarian personnel and United Nations personnel and facilities

(*a*) To ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;

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[207] S/AC.51/2007/17.

[208] S/2008/728.

(*b*) To contribute to the improvement of the security conditions in which humanitarian assistance is provided and assist in the voluntary return of refugees and internally displaced persons;

(*c*) To ensure the protection of United Nations personnel, facilities, installations and equipment;

(*d*) To ensure the security and freedom of movement of United Nations and associated personnel;

(*e*) To carry out joint patrols with the national police and security forces to improve security in the event of civil disturbance;

Disarmament, demobilization, and monitoring of resources of foreign and Congolese armed groups

(*f*) To deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, foreign or Congolese, particularly in the eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics and undertaking all necessary operations to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in that area;

(*g*) To coordinate operations with the integrated brigades of the Armed Forces of the Democratic Republic of the Congo deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law with a view to:

- Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups;
- Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process and the release of children associated with those armed groups;
- Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities;

(*h*) To facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants;

(*i*) To contribute to the implementation of the national programme of disarmament, demobilization and reintegration of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations country team and bilateral and multilateral partners;

(*j*) To use its monitoring and inspection capacities to curtail the provision of support to illegal armed groups derived from illicit trade in natural resources;

Training and mentoring of the Armed Forces of the Democratic Republic of the Congo in support of security sector reform

(*k*) To provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the integrated brigades of the Armed Forces of the Democratic Republic of the Congo deployed in the eastern part of the Democratic Republic of the Congo, as part of international broader efforts to support security sector reform;

(*l*) In coordination with international partners, including the European Union Mission of Assistance for Security Sector Reform and the European Union Police Mission, to contribute to the efforts of the international community to assist the Government of the Democratic Republic of the Congo in the initial planning process of the security sector reform, to build credible, cohesive and disciplined Congolese armed forces and to develop the capacities of the Congolese National Police and related law enforcement agencies;

Territorial security of the Democratic Republic of the Congo

(*m*) To observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes;

(*n*) To monitor the implementation of the measures imposed by paragraph 1 of resolution 1807 (2008), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established pursuant to resolution 1533 (2004) of 12 March 2004, including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(*o*) To seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate;

(*p*) To provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 8 of resolution 1807 (2008);

(*q*) To assist the Government of the Democratic Republic of the Congo in enhancing its demining capacity;

4. *Decides also* that the Mission shall also have the mandate, in close cooperation with the Congolese authorities, the United Nations country team and donors, to support the strengthening of democratic institutions and the rule of law and, to that end:

(*a*) To provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels;

(*b*) To promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society and multi-party democracy, and give the necessary support to the Goma and Nairobi processes;

(*c*) To assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations and publish its findings, as appropriate, with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law;

(*d*) In close coordination with international partners and the United Nations country team, to provide assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections;

(*e*) To assist in the establishment of a secure and peaceful environment for the holding of free and transparent local elections that are expected to be held by the end of June 2009;

(*f*) To contribute to the promotion of good governance and respect for the principle of accountability;

(*g*) In coordination with international partners, to advise the Government of the Democratic Republic of the Congo on strengthening the capacity of the judicial and correctional systems, including the military justice system;

5. *Authorizes* the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraphs 3 (*a*) to (*g*), (*i*), (*j*), (*n*) and (*o*) and in paragraph 4 (*e*) above;

6. *Emphasizes* that the protection of civilians, as described in paragraphs 3 (*a*) to (*e*), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraphs 3 and 4 above;

7. *Requests* the Secretary-General to present recommendations in his next three-monthly report on the progressive handover of those tasks listed in paragraph 4 from the Mission to the United Nations country team and bilateral and multilateral partners, as far as the western part of the country is concerned, with a view to reinforcing the action of United Nations peacebuilding mechanisms in the Democratic Republic of the Congo and in order to permit the Mission to concentrate its efforts on the eastern part of the country;

8. *Underscores* the importance of the Mission implementing the mandate described in the present resolution in full, including through robust rules of engagement, and requests the Secretary-General to ensure that the concept of operations and rules of engagement of the Mission are updated by 31 January 2009 to bring them fully in line with the provisions of the present resolution and to report to the Security Council and troop-contributing countries;

9. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the situation in the Democratic Republic of the Congo and on the activities of the Mission, and to provide to the Council, with the same regularity, a specific update on the military situation;

10. *Requests in particular* the Secretary-General, in his next report under paragraph 9 above, to inform the Council on the development of a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the mandate described in paragraphs 3 and 4 above;

11. *Requests* the Secretary-General to include in his next report a comprehensive assessment of the Mission's disarmament, demobilization and reintegration and disarmament, demobilization, repatriation, resettlement and reintegration programmes and, in close coordination with his Special Envoy for the Great Lakes Region, to make recommendations on possible adjustments needed to increase their effectiveness, resourcing and coordination with the military component of the Mission;

12. *Demands* that all parties cooperate fully with the operations of the Mission and that they ensure the security of, as well as unhindered and immediate access for, United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, demands in particular that all parties provide full access to the military observers of the Mission, including in all ports, airports, airfields, military bases and border crossings, and, in addition, that the human rights observers of the Mission be granted access to detention centres and *brassage* centres, and requests the Secretary-General to report without delay any failure to comply with these demands;

13. *Requests* the Mission, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem;

14. *Emphasizes* that operations led by the Armed Forces of the Democratic Republic of the Congo against illegal foreign and Congolese armed groups should, consistent with the

mandate set forth in paragraph 3 *(g)* above, be planned jointly with the Mission and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians;

15. *Takes note* of the measures taken by the Mission to address instances of sexual exploitation and abuse and of the zero-tolerance policy, and requests the Secretary-General to continue to investigate fully the allegations of sexual exploitation and violence by civilian and military personnel of the Mission, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse;[209]

16. *Encourages* the Mission to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate and activities;

17. *Demands* that all the parties to the Goma and Nairobi processes respect the ceasefire and implement their commitments effectively and in good faith, and calls upon all armed groups to immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and the Mission for their disarmament, repatriation, resettlement and/or reintegration, as appropriate;

18. *Requests* the Secretary-General and his Special Envoy for the Great Lakes Region to intensify their good offices, in close consultation with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, in facilitating a political solution to address the underlying causes of the crisis in the Kivus, and calls upon the Government of the Democratic Republic of the Congo, the Government of the Republic of Rwanda and other Governments of the region, international partners and all regional and Congolese parties to cooperate with the Special Envoy and with the Special Representative;

19. *Urges* the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda to take concrete steps to defuse tensions, including by reactivating the Joint Verification Mechanism, and to step up their cooperation in order to implement fully the commitments undertaken in their joint communiqué signed at Nairobi on 9 November 2007,[200] in particular to address as a priority the disarmament and repatriation of the Forces démocratiques de libération du Rwanda, working in close cooperation with the Special Envoy and the Mission;

20. *Urges* all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and to abide by their commitments to establish bilateral diplomatic relations made at the meeting of the Tripartite Plus Joint Commission of September 2007;

21. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including, if necessary, through judicial means, and, where necessary, to report to the Council, encourages, in particular, the Government of the Democratic Republic of the Congo to work with specialist organizations, international financial institutions and the Mission, as well as the countries of the region, to establish a plan for an effective and transparent control over the exploitation of natural resources, including by conducting a mapping exercise of the main sites of illegal exploitation;

22. *Requests* the Government of the Democratic Republic of the Congo, with the support of the international community and the Mission, to develop and implement as a matter of urgency a comprehensive national security sector reform strategy, including based on the outcome of the round table on the security sector, held in February 2008, in order to establish professional security

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[209] ST/SGB/2003/13.

organizations in the areas of defence, police and the administration of justice that protect civilians, are well managed, and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law, urges the Government to ensure the sustainability of the support given by its partners in this area, in particular by giving priority to the reform of the administration and command structures of the Armed Forces of the Democratic Republic of the Congo and all its other security forces, and reiterates its call upon the Congolese authorities to establish a vetting mechanism to take into account, when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the past actions of the candidates in terms of respect for international humanitarian law and human rights;

23. *Demands* that all parties ensure timely, safe and unhindered access of all humanitarian actors and comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law;

24. *Demands also*, recalling its resolution 1698 (2006) of 31 July 2006, that all armed groups, in particular the forces of Mr. Laurent Nkunda, the Forces démocratiques de libération du Rwanda and the Lord's Resistance Army immediately stop recruiting and using children and release all children associated with them;

25. *Recalls* the utmost importance of the fight against impunity, notably in the eastern part of the Democratic Republic of the Congo, by bringing to justice those who have committed crimes and atrocities;

26. *Requests* the Secretary-General, through his Special Representative, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

27. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6055th meeting.

Decision

At its 6056th meeting, on 22 December 2008, the Security Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

> "Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council (S/2008/773)".

Resolution 1857 (2008)
of 22 December 2008

The Security Council,

Recalling its previous resolutions, in particular resolutions 1804 (2008) of 13 March 2008 and 1807 (2008) of 31 March 2008, and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and the Ituri district, which perpetuates a climate of insecurity in the whole region, and demanding that all the parties to the Goma and Nairobi processes respect the ceasefire and implement their commitments effectively and in good faith, *Stressing* the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians, with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim and final reports of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) of 10 August 2007 and extended pursuant to resolution 1807 (2008)[210] and of the recommendations contained therein,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and declaring its determination to continue to monitor closely the implementation of the arms embargo and other measures set out in its resolutions concerning the Democratic Republic of the Congo,

Stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Reiterating the importance of the Government of the Democratic Republic of the Congo and the Governments of the region taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

Supporting the decision of the Democratic Republic of the Congo to work towards enhancing revenue transparency in its extractive industries,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation of and trafficking in arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Recalling its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1502 (2003) of 26 August 2003 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1612 (2005) of 26 July 2005 on children and armed conflict and its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2009 the measures on arms imposed by paragraph 1 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides also* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008), and reaffirms the provisions of paragraph 7 of that resolution;

3. *Decides further* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 10 and 12 of that resolution;

4. *Decides* that the measures referred to in paragraph 3 above shall apply to the following individuals and, as appropriate, entities, as designated by the Security Council Committee established pursuant to resolution 1533 (2004):

(*a*) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

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[210] See S/2008/772 and S/2008/773.

(*b*) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(*c*) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(*d*) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(*e*) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(*f*) Individuals obstructing access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

(*g*) Individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade in natural resources;

5. *Decides also* that, for a further period ending on the date referred to in paragraph 1 above, the measures in paragraph 3 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution 1596 (2005) of 18 April 2005, paragraph 2 of resolution 1649 (2005) of 21 December 2005, paragraph 13 of resolution 1698 (2006) of 31 July 2006 and paragraphs 9 and 11 of resolution 1807 (2008), unless the Committee decides otherwise;

6. *Decides further* to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) of 12 March 2004 and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) to include the following tasks:

(*a*) To review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate and to encourage Member States to provide any additional information whenever such information becomes available;

(*b*) To promulgate guidelines in order to facilitate the implementation of the measures imposed by the present resolution and keep them under active review as may be necessary;

7. *Calls upon* all States, in particular those of the region, to support the implementation of the measures specified in the present resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within forty-five days of the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 1 to 5 above, and encourages all States to send representatives, at the Committee's request, to meet with the Committee for more in-depth discussion of relevant issues;

8. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2009, the mandate of the Group of Experts established pursuant to resolution 1771 (2007), and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and to report to the Council in writing, through the Committee, by 15 May 2009 and again before 15 October 2009;

9. *Decides* that the mandate of the Group of Experts referred to in paragraph 8 above shall also include the tasks outlined below:

(*a*) To include in its reports to the Committee any information relevant to the designation by the Committee of the individuals and entities described in paragraphs 4 and 5 above;

(*b*) To assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities referenced in paragraph 5 above and in compiling the narrative summaries referred to in paragraph 18 below;

10. *Requests* the Group of Experts to continue to focus its activities in North and South Kivu and in Ituri;

11. *Requests* the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, the United Nations Organization Mission in the Democratic Republic of the Congo and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, illegal trafficking in natural resources and activities of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above;

12. *Requests in particular* that the Mission share information with the Group of Experts, especially on the support received by armed groups, on the recruitment and use of children and on the targeting of women and children in situations of armed conflict;

13. *Demands* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control;

14. *Reiterates its demand*, expressed in paragraph 21 of resolution 1807 (2008), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure:

(*a*) The safety of its members;

(*b*) Unhindered and immediate access, in particular to persons, documents and sites that the Group of Experts deems relevant to the execution of its mandate;

15. *Encourages* Member States to take measures, as they deem appropriate, to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase;

16. *Also encourages* Member States to submit to the Committee for inclusion on its list of designees names of individuals or entities who meet the criteria set out in paragraph 4 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

17. *Decides* that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for the development of the summary described in paragraph 18 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

18. *Directs* the Committee, in coordination with the relevant designating States and with the assistance of the Group of Experts referred to in paragraph 8 above, after a name is added to the list, to make accessible on the Committee website a narrative summary of reasons for listing, and further directs the Committee, with the assistance of the Group of Experts and in coordination with the relevant designating States, to update the publicly available reasons for listing and identifying information for the individuals and entities referred to in paragraph 5 above;

19. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee website, a description of the effects

of designation as provided in the relevant resolutions, the procedures of the Committee for considering de-listing requests, and the provisions regarding available exemptions;

20. *Demands* that Member States receiving notification as in paragraph 19 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 19 above;

21. *Welcomes* the establishment within the Secretariat, pursuant to resolution 1730 (2006) of 19 December 2006, of the Focal Point that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

22. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate review by the Committee;

23. *Directs* the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees of those who no longer meet the criteria pursuant to the present resolution;

24. *Decides* that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the permanent mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the individual or entity concerned of the de-listing in a timely manner;

25. *Encourages* the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

26. *Decides* that, when appropriate and no later than 30 November 2009, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of the consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

27. *Decides also* to remain actively seized of the matter.

Adopted unanimously at the 6056th meeting.

Decisions

At its 6083rd meeting, on 17 February 2009, the Security Council considered the item entitled "The situation concerning the Democratic Republic of the Congo".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

At its 6104th meeting, on 9 April 2009, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

"Twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/160)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alan Doss, Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Mission in the Democratic Republic of the Congo.

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[211]

At its 6159th meeting, on 10 July 2009, the Council decided to invite the representative of the Democratic Republic of the Congo to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning the Democratic Republic of the Congo

> "Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/335)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alan Doss, Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Mission in the Democratic Republic of the Congo.

THE SITUATION IN THE CENTRAL AFRICAN REPUBLIC[212]

Decisions

At its 6027th meeting, on 2 December 2008, the Security Council decided to invite the representative of the Central African Republic to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Central African Republic

> "Report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in that country (S/2008/733)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. François Lonseny Fall, Special Representative of the Secretary-General for the Central African Republic and Head of the United Nations Peacebuilding Support Office in the Central African Republic, and Mr. Jan Grauls, Permanent Representative of Belgium to the United Nations and Chairperson of the Central African Republic configuration of the Peacebuilding Commission.

On 23 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[213]

> "I have the honour to inform you that the recommendation to extend the mandate of the United Nations Peacebuilding Support Office in the Central African Republic for an

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[211] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

[212] Resolutions or decisions on this question were first adopted by the Security Council in 1997.

[213] S/2008/809.

additional year, from 1 January to 31 December 2009, contained in paragraph 50 of your report of 26 November 2008,[214] has been brought to the attention of the members of the Security Council. They take note of that recommendation.

"Members of the Council also acknowledge the need to establish an integrated United Nations office in the Central African Republic, as emphasized in the conclusions made by a delegation of the Peacebuilding Commission following its recent visit to the country.[215] They look forward to your recommendations in this regard and would appreciate receiving them by 28 February 2009."

At its 6091st meeting, on 10 March 2009, the Council decided to invite the representative of the Central African Republic to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Central African Republic

"Letter dated 3 March 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/128)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. François Lonseny Fall, Special Representative of the Secretary-General for the Central African Republic and Head of the United Nations Peacebuilding Support Office in the Central African Republic, and Mr. Jan Grauls, Permanent Representative of Belgium to the United Nations and Chairperson of the Central African Republic configuration of the Peacebuilding Commission.

At its 6102nd meeting, on 7 April 2009, the Council decided to invite the representative of the Central African Republic to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Central African Republic

"Letter dated 3 March 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/128)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[216]

"The Security Council welcomes the recent progress towards implementing the recommendations of the inclusive political dialogue, held in Bangui from 8 to 20 December 2008. It reiterates its full support for this process, as an effective framework to foster national reconciliation and stability in the Central African Republic. The Council calls upon all parties to sustain the momentum created by the dialogue and the spirit of compromise and cooperation that enabled its successful holding.

"The Council demands that all armed groups which have not yet done so, particularly those recently operating in the northern Central African Republic, cease violence immediately. It calls upon all parties to respect and implement the comprehensive peace agreement signed at Libreville on 21 June 2008 and their earlier commitments contained in the Sirte agreement of 2 February 2007 and the Birao agreement of 13 April 2007. It invites countries in the region to support efforts to bring all groups into the peace process.

"The Council calls upon all armed groups to immediately cease the recruitment and use of children and release all children associated with them. The Council calls upon all parties, as a matter of priority, to develop and implement, in close collaboration with the United Nations Integrated Peacebuilding Office in the Central African Republic, action plans within the framework of Council resolutions 1539 (2004) and 1612 (2005).

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[214] S/2008/733.

[215] See PBC/3/CAF/3.

[216] S/PRST/2009/5.

"The Council stresses the urgency and imperative necessity of carrying out the disarmament, demobilization and reintegration process. It calls upon all parties in the Central African Republic to work with determination to that end. The Council welcomes the pledge made by the Central African Economic and Monetary Community on 30 January 2009 to contribute to funding the disarmament, demobilization and reintegration process, and calls upon the international community to provide timely and adequate support to the process.

"The Council calls upon the Government of the Central African Republic and all political stakeholders to ensure the timely, effective and transparent preparation of the 2009 and 2010 municipal, legislative and presidential elections.

"The Council welcomes the recommendation of the Secretary-General, in his letter dated 3 March 2009,[217] to establish a United Nations Integrated Peacebuilding Office in the Central African Republic to succeed the current United Nations Peacebuilding Support Office. It notes with satisfaction that the United Nations Integrated Peacebuilding Office will perform the following tasks:

"(*a*) To assist national and local efforts in implementing the dialogue outcomes, in particular through support for governance reforms and electoral processes;

"(*b*) To assist in the successful completion of the disarmament, demobilization and reintegration process and the reform of security sector institutions, and support activities to promote the rule of law;

"(*c*) To support efforts to restore State authority in the provinces;

"(*d*) To support efforts to enhance national human rights capacity and promote respect for human rights and the rule of law, justice and accountability;

"(*e*) To closely coordinate with and support the work of the Peacebuilding Commission, as well as the implementation of the Strategic Framework for Peacebuilding in the Central African Republic and projects supported through the Peacebuilding Fund;

"(*f*) To exchange information and analysis with the United Nations Mission in the Central African Republic and Chad on emerging threats to peace and security in the region.

"The Council also requests the Secretary-General to ensure that the integrated office undertakes the following additional task:

"(*g*) To help to ensure that child protection is properly addressed in the implementation of the comprehensive peace agreement and the disarmament, demobilization and reintegration process, including by supporting the monitoring and reporting mechanism established according to resolutions 1539 (2004) and 1612 (2005).

"The Council requests the Secretary-General to ensure that the smooth transition to the new integrated office takes place as soon as possible, including through the early deployment of the new Special Representative and Deputy Special Representative. The Council further requests the Secretary-General to inform it in his next report on the structure and strength of the new office, bearing in mind that resources for special political missions are limited.

"The Council welcomes the support provided by the Peacebuilding Commission to the Central African Republic, looks forward to the finalization of the Strategic Framework for Peacebuilding, and calls upon the donor community to work with the Commission to identify sectors that are critical for long-term stability and development in the Central African Republic and to intensify their support in those sectors."

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[217] S/2009/128.

On 29 May 2009, the President of the Security Council addressed the following letter to the Secretary-General:[218]

"I have the honour to inform you that your letter dated 26 May 2009 concerning your intention to appoint Ms. Sahle-Work Zewde, of Ethiopia, as your new Special Representative for the Central African Republic and Head of the United Nations Peacebuilding Support Office in the Central African Republic, which is to be succeeded by the United Nations Integrated Peacebuilding Office in the Central African Republic,[219] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6147th meeting, on 22 June 2009, the Council decided to invite the representative of the Central African Republic to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in the Central African Republic

"Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/309)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Mr. Jan Grauls, Permanent Representative of Belgium to the United Nations and Chairperson of the Central African Republic configuration of the Peacebuilding Commission.

CHILDREN AND ARMED CONFLICT[220]

Decisions

At its 6114th meeting, on 29 April 2009, the Security Council decided to invite the representatives of Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, the Czech Republic, the Democratic Republic of the Congo (Minister for Gender, Family and Children's Affairs), Ecuador, Egypt, El Salvador, Finland, Germany, Ghana, Guatemala, Iraq, Ireland, Israel, Italy, Kazakhstan, Liechtenstein, Luxembourg, Morocco, Myanmar, Nepal, the Netherlands, Peru, the Philippines, Qatar, the Republic of Korea, Rwanda, Sri Lanka, Switzerland, Thailand and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Children and armed conflict

"Report of the Secretary-General on children and armed conflict (S/2009/158 and Corr.1)".[221]

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[218] S/2009/280.

[219] S/2009/279.

[220] Resolutions or decisions on this question were first adopted by the Security Council in 1998.

[221] Chad did not submit a request to be invited to participate; its listing in S/PV.6114 was a technical error.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Ann Veneman, Executive Director of the United Nations Children's Fund.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[222]

> "The Security Council takes note with appreciation of the eighth report of the Secretary-General on children and armed conflict[223] and of the positive developments referred to in the report, and notes the continuing challenges in the implementation of its resolution 1612 (2005) reflected therein.
>
> "The Council reaffirms its commitment to address the widespread impact of armed conflict on children and its determination to ensure respect for and the implementation of resolution 1612 (2005) and all its previous resolutions on children and armed conflict, as well as respect for other applicable international law related to the protection of children affected by armed conflict.
>
> "The Council stresses in this regard the importance of adopting a broad strategy of conflict prevention which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of children on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights.
>
> "The Council acknowledges that the implementation of resolution 1612 (2005) in situations listed in the annexes to the report of the Secretary-General has generated progress and invites the Secretary-General, where applicable, to strengthen the efforts to bring the monitoring and reporting mechanism to its full capacity in order to allow for prompt advocacy and effective response to all violations and abuses committed against children. In this regard, the Council reiterates its request to the Secretary-General to provide additional administrative support to its Working Group on Children and Armed Conflict.
>
> "The Council reiterates its equally strong condemnation of the continuing recruitment and use of children in armed conflict in violation of applicable international law, the killing and maiming of children, rape and other sexual violence, abductions, the denial of humanitarian access to children and attacks against schools and hospitals by parties to armed conflict. The Council condemns all other violations of international law, including international humanitarian law, human rights law and refugee law, committed against children in situations of armed conflict. The Council demands that all relevant parties immediately put an end to such practices and take special measures to protect children.
>
> "The Council expresses deep concern that civilians, in particular children, continue to account for a considerable number of casualties resulting from killing and maiming in armed conflicts, including as a result of deliberate targeting, indiscriminate and excessive use of force, indiscriminate use of landmines and cluster munitions and use of children as human shields.

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[222] S/PRST/2009/9.

[223] S/2009/158 and Corr.1.

"The Council further expresses deep concern about the high incidence and appalling levels of brutality of rape and other forms of sexual violence against children, girls and boys, committed in the context of and associated with armed conflict, including the use or commission of rape and other forms of sexual violence in some situations as a tactic of war.

"The Council recognizes the importance of including in the annexes to the reports of the Secretary-General on children and armed conflict those parties to armed conflict that commit acts of killing and maiming of children that are prohibited under applicable international law or acts of rape and other sexual violence against children that are prohibited under applicable international law in situations of armed conflict, and expresses its intention to continue its consideration of this issue in order to take action within three months of this date.

"The Council reiterates its call upon the parties to armed conflict listed in the annexes to the report of the Secretary-General that have not already done so to prepare and implement, without further delay, concrete time-bound action plans to halt the recruitment and use of children in violation of applicable international law, and to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard, in close cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations country-level task forces on monitoring and reporting.

"The Council expresses its concern about situations where insufficient or no progress has been made by parties listed in the annexes to the reports of the Secretary-General in halting the recruitment and use of children in violation of applicable international law, including through the preparation and implementation of concrete time-bound action plans, and reiterates its determination to ensure respect for its resolutions on children and armed conflict, making use of all the tools provided in resolution 1612 (2005), including action, as appropriate, in accordance with paragraph 9 of resolution 1612 (2005).

"The Council strongly emphasizes the need for the Member States concerned to take decisive and immediate action against persistent perpetrators of violations against children and to bring to justice those responsible for the recruitment and use of children in violation of applicable international law and other violations against children through national justice systems and, where applicable, international justice mechanisms and mixed criminal courts and tribunals, with a view to ending impunity for those committing crimes against children.

"The Council reiterates the primary responsibility of States in providing effective protection and relief to all children affected by armed conflict and calls upon them to comply with their obligations under applicable international law, including the Convention on the Rights of the Child and the Optional Protocols thereto,[224] encourages States to strengthen national measures for the prevention of violations against children in armed conflict, including the recruitment and use of children and their use in hostilities in violation of applicable international law, inter alia, by enacting legislation that explicitly prohibits such recruitment and use as well as other violations, and urges States that have not yet done so to consider ratifying or acceding to the Convention and the Optional Protocols thereto.

"The Council reiterates the importance of the full, safe and unhindered access of humanitarian personnel and goods and the delivery of humanitarian assistance to all children affected by armed conflict, and stresses the importance for all, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.

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[224] United Nations, *Treaty Series*, vols. 1577, 2171 and 2173, No. 27531.

"The Council remains concerned about the illicit trafficking in small arms and light weapons and its effect on and their use by children in armed conflict.

"The Council welcomes the sustained engagement of its Working Group on Children and Armed Conflict and requests it to adopt, with the administrative support of the Secretariat, timely conclusions and recommendations in line with resolution 1612 (2005). The Council encourages the Working Group to continue its review process, to enhance its ability to follow up the implementation of its recommendations and the development and implementation of action plans to halt the recruitment and use of children, and to consider and react in a timely manner to information on situations of children and armed conflict, in collaboration with the Office of the Special Representative and the United Nations Children's Fund. It also invites the Working Group to enhance its communication with relevant sanctions committees of the Council, including by forwarding pertinent information.

"The Council commends the work carried out by the Special Representative, Ms. Radhika Coomaraswamy, and emphasizes the importance of her country visits in promoting collaboration between the United Nations and Governments and enhancing dialogue with parties to armed conflict.

"The Council also commends the work carried out by the United Nations Children's Fund as well as other relevant United Nations agencies, funds and programmes within their respective mandates, the child protection advisers of United Nations peacekeeping, peacebuilding and political missions in cooperation with national Governments and relevant civil society actors.

"The Council encourages the efforts of the Department of Peacekeeping Operations of the Secretariat in mainstreaming child protection into all peacekeeping missions, in close collaboration with the Office of the Special Representative and the United Nations Children's Fund, and encourages the deployment of child protection advisers to peacekeeping operations, as well as to relevant peacebuilding and political missions.

"The Council invites the Peacebuilding Commission to continue to promote child protection in post-conflict situations under its consideration.

"Given the regional dimension of some conflicts, the Council encourages Member States, United Nations peacekeeping, peacebuilding and political missions and United Nations country teams to establish appropriate strategies and coordination mechanisms for information exchange and cooperation on cross-border child protection concerns, such as the recruitment, release and reintegration of children.

"The Council recognizes the important role of education in armed conflict areas, including as a means to achieve the goal of halting and preventing the recruitment and re-recruitment of children in violation of applicable international law, and calls upon all parties concerned to continue to ensure that all children associated with armed forces and groups systematically have access to disarmament, demobilization and reintegration processes through which they can benefit, inter alia, from education.

"The Council also urges parties to armed conflict to refrain from actions that impede children's access to education, in particular attacks or threats of attack on school children or teachers as such, the use of schools for military operations, and attacks on schools that are prohibited by applicable international law.

"The Council requests the Secretary-General to submit his next report on the implementation of its resolutions on children and armed conflict by May 2010."

THE SITUATION IN GUINEA-BISSAU[225]

Decisions

At its 5988th meeting, on 7 October 2008, the Security Council decided to invite the representative of Guinea-Bissau to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2008/628)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs, and Mrs. Maria Luiza Ribeiro Viotti, Permanent Representative of Brazil to the United Nations and Chairperson of the Guinea-Bissau configuration of the Peacebuilding Commission.

At its 5995th meeting, on 15 October 2008, the Council decided to invite the representative of Guinea-Bissau to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2008/628)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[226]

> "The Security Council recalls its previous statements on Guinea-Bissau and takes note of the latest report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau.[227] The Council reaffirms its support for the continuing efforts to consolidate peace in that country.
>
> "The Council welcomes the commitment of the Government of Guinea-Bissau to hold legislative elections on 16 November 2008, as well as the technical and financial support towards the elections provided by the international community, including by Angola, Brazil, Portugal, the Economic Community of West African States, the European Union, the Peacebuilding Fund and the United Nations Development Programme. It calls upon donors to continue to provide financial resources to support the electoral process.
>
> "The Council calls upon the Government of Guinea-Bissau and all actors, including political parties, the security forces and civil society, to ensure an environment conducive to transparent, free and fair elections and to respect the results of the polls.
>
> "The Council notes with satisfaction the adoption of the Strategic Framework for Peacebuilding in Guinea-Bissau[228] by the Guinea-Bissau configuration of the Peacebuilding Commission on 1 October 2008, and notes the importance of the rapid and effective implementation of quick-impact projects financed by the Peacebuilding Fund. The Council

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[225] Resolutions or decisions on this question were first adopted by the Security Council in 1998.

[226] S/PRST/2008/37.

[227] S/2008/628.

[228] PBC/3/GNB/3.

looks forward to the establishment of the monitoring and tracking mechanism of the Strategic Framework.

"The Council reiterates the importance of security sector reform in Guinea-Bissau, encourages the Government of Guinea-Bissau to sustain its efforts in implementing the national security sector reform programme, and underscores the need for the international community to provide further coordinated assistance for its implementation.

"The Council remains seriously concerned by the continued growth in drug trafficking as well as organized crime, which threatens peace and security in Guinea-Bissau and in the subregion. The Council underlines the responsibility that the Government of Guinea-Bissau has for tackling this issue and calls upon the international community to cooperate actively with Guinea-Bissau in this regard, particularly in providing continued support for building the capacity of national law enforcement and judicial authorities. The Council requests that the Secretary-General provide in his next report further details of the measures required to deal with these challenges.

"The Council welcomes the initiative of the Economic Community of West African States to convene a regional conference on combating drug trafficking in Praia on 28 and 29 October 2008, and looks forward to the resulting regional plan of action.

"The Council expresses its concern about the consequences of rising food and fuel prices and welcomes the support of the World Bank to address this crisis. The Council encourages the Government of Guinea-Bissau to continue its dialogue and cooperation with the international financial institutions. The Council is also concerned about the cholera epidemic and calls upon the Government and its partners to continue and strengthen the efforts to secure its eradication.

"The Council recognizes and commends the important role played by the Representative of the Secretary-General in Guinea-Bissau and the staff of the United Nations Peacebuilding Support Office in Guinea-Bissau, as well as by the United Nations country team, towards helping to consolidate peace, democracy, the rule of law and development, and expresses its appreciation for their activities. The Council looks forward to receiving recommendations from the Secretary-General on how the United Nations presence in Guinea-Bissau should be reconfigured to support peacebuilding more effectively."

On 22 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[229]

"I have the honour to inform you that your letter dated 10 December 2008 concerning your proposal that the current mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau, which expires on 31 December 2008, be revised and extended[230] has been brought to the attention of the members of the Security Council.

"The members of the Council take note of the information and proposal contained in your letter and have decided that the mandate of the Peacebuilding Support Office should be extended until 30 June 2009. The members of the Council also acknowledge the need to establish an integrated United Nations office in Guinea-Bissau, as recommended in the statement made by the President of the Council on 15 October 2008,[226] and look forward to your recommendations in this regard, which they would appreciate receiving by 15 June 2009."

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[229] S/2008/778.

[230] S/2008/777.

On 30 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[231]

> "I have the honour to inform you that your letter dated 27 January 2009 concerning your intention to appoint Mr. Joseph Mutaboba, of Rwanda, as your Representative in Guinea-Bissau and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau[232] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6089th meeting, on 3 March 2009, the Council considered the item entitled "The situation in Guinea-Bissau".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[233]

> "The Security Council condemns in the strongest terms the assassinations of the President of Guinea-Bissau, Mr. João Bernardo Vieira, and the Chief of Staff of the armed forces, General Tagme Na Waie, on 1 and 2 March 2009. It expresses its deep sympathy and condolences to the families of the victims and to the people and Government of Guinea-Bissau.
>
> "The Council calls upon the Government of Guinea-Bissau to bring to justice those responsible for these violent acts. It calls upon the Government, the political leaders, the armed forces and the people of Guinea-Bissau to remain calm, exercise restraint, maintain stability and constitutional order and respect the rule of law and the democratic process. It also urges all parties to resolve their disputes through political and peaceful means within the framework of the democratic institutions and opposes any attempt to change the government through unconstitutional means.
>
> "The Council welcomes in this regard the statements condemning the incidents by the Secretary-General of the United Nations, the African Union, the Economic Community of West African States, the European Union and other members of the international community, and calls upon all to assist in preserving the constitutional order in Guinea-Bissau and to continue to support peacebuilding efforts in the country.
>
> "The Council reaffirms its commitment to support the efforts of the Government and people of Guinea-Bissau to consolidate democratic institutions, peace and stability in that country.
>
> "The Council shall remain seized of the developments in Guinea-Bissau."

At its 6103rd meeting, on 8 April 2009, the Council decided to invite the representative of Guinea-Bissau to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/169)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Joseph Mutaboba, Representative of the Secretary-General in Guinea-Bissau and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau, and Mrs. Maria Luiza Ribeiro

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[231] S/2009/56.

[232] S/2009/55.

[233] S/PRST/2009/2.

Viotti, Permanent Representative of Brazil to the United Nations and Chairperson of the Guinea-Bissau configuration of the Peacebuilding Commission.

At its 6105th meeting, on 9 April 2009, the Council considered the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/169)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[234]

> "The Security Council recalls its previous statements on Guinea-Bissau, and takes note of the latest report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau.[235] The Council reaffirms its support for the continuing efforts to consolidate peace in that country.
>
> "The Council welcomes the swearing-in as interim President of Guinea-Bissau of Mr. Raimundo Pereira and notes with satisfaction the commitment of the new authorities to maintain constitutional order following the assassinations of the President of Guinea-Bissau, Mr. João Bernardo Vieira, and of the Chief of Staff of the armed forces, General Tagme Na Waie, and to deepen national consensus on the transition and the electoral process.
>
> "The Council also welcomes the convening of the presidential elections for 28 June 2009, and urges the Government of Guinea-Bissau and all political actors to create the best conditions for the holding of free, fair, transparent and credible presidential elections. It welcomes the assistance already provided by bilateral and multilateral partners to support the electoral budget, and calls upon the donors to continue to provide technical and financial assistance for the electoral process.
>
> "The Council takes note of the final communiqué of the 26th meeting of the Economic Community of West African States Mediation and Security Council expressing the need to deploy military and police contingents to ensure the protection of the republican institutions and the authorities, as well as the electoral process in Guinea-Bissau. In this regard, the Security Council invites the Economic Community of West African States to work in coordination with the Government of Guinea-Bissau.
>
> "The Council condemns recent cases of arbitrary detention, armed attacks and intimidation, and demands full protection of the human rights and fundamental freedoms of the people of Guinea-Bissau. It urges the armed forces leadership to ensure that its commitment to abide by the civilian authorities and respect constitutional order is fully honoured.
>
> "The Council stresses the importance of national reconciliation and the fight against impunity in Guinea-Bissau, and calls upon the international community to support the commission of inquiry established to investigate the assassinations of the President and of the Chief of Staff of the armed forces.
>
> "The Council reiterates the importance of security sector reform in Guinea-Bissau and, in this regard, urges the international partners to continue to support the implementation of the quick-impact projects. It welcomes the convening of a round table on Guinea-Bissau's security sector reform with a view to following up the coordination and the implementation of the identified projects and programmes on security sector reform, to be held in Praia on 20 April 2009.

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[234] S/PRST/2009/6.

[235] S/2009/169.

"The Council remains seriously concerned by the growth in illegal drug trafficking as well as transnational organized crime in Guinea-Bissau and in the subregion. It commends the joint action of the United Nations Office on Drugs and Crime, the Department of Political Affairs of the Secretariat/United Nations Office for West Africa, the Department of Peacekeeping Operations of the Secretariat and the International Criminal Police Organization (INTERPOL) to help to implement the Economic Community of West African States plan of action against drug trafficking. It calls upon the international community to continue to support the implementation of the Guinea-Bissau anti-narcotics operational plan, as well as of the Economic Community of West African States plan of action.

"The Council calls upon the international community to provide timely and adequate support for the implementation of the Strategic Framework for Peacebuilding in Guinea-Bissau adopted by the Peacebuilding Commission.[228] It looks forward to a sustainable mobilization of resources for economic reconstruction and peace consolidation in Guinea-Bissau.

"The Council reiterates the importance of the regional dimension in the resolution of the problems faced by Guinea-Bissau and, in this regard, welcomes the role of the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries and the European Union in the peacebuilding process.

"The Council commends the Representative of the Secretary-General in Guinea-Bissau and the staff of the United Nations Peacebuilding Support Office in Guinea-Bissau, as well as the United Nations country team and the Guinea-Bissau configuration of the Peacebuilding Commission for their contribution to peace, democracy and the rule of law in Guinea-Bissau. The Council reiterates that it looks forward to receiving recommendations from the Secretary-General on how the United Nations presence in Guinea-Bissau should be reconfigured to support peacebuilding more effectively."

At its 6149th meeting, on 23 June 2009, the Council considered the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/302)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Joseph Mutaboba, Representative of the Secretary-General in Guinea-Bissau and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau, and Mrs. Maria Luiza Ribeiro Viotti, Permanent Representative of Brazil to the United Nations and Chairperson of the Guinea-Bissau configuration of the Peacebuilding Commission.

At its 6152nd meeting, on 26 June 2009, the Council considered the item entitled:

"The situation in Guinea-Bissau

> "Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country (S/2009/302)".

Resolution 1876 (2009)
of 26 June 2009

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the situation in Guinea-Bissau, as well as the letter dated 22 December 2008 from its President to the Secretary-General,[229] *Expressing its deep concern* at the resurgence of political violence, in particular the political assassinations in Guinea-Bissau,

Stressing the fact that such developments demonstrate the fragility of the political situation and jeopardize the efforts to restore peace and stability, as well as the rule of law in Guinea-Bissau,

Stressing also the importance of the upcoming presidential elections in Guinea-Bissau of 28 June 2009 and the need to have free, fair and transparent elections as a crucial and necessary step towards the full return to constitutional order, the consolidation of democracy and national reconciliation,

Underlining the need for everyone to respect the results of the elections, and calling upon all stakeholders to contribute to a peaceful environment during and after the elections,

Reaffirming that the Government of Guinea-Bissau and all stakeholders must remain committed to security sector reform, the promotion of the rule of law and the fight against impunity and illicit drug trafficking,

Stressing the importance of security sector reform, and reiterating the continued support of the United Nations and the international community for the long-term security and development of Guinea-Bissau, particularly in the fields of security sector reform, justice, and building the capacity of the Government to fight against illicit drug trafficking,

Reiterating the importance of regional and subregional cooperation in addressing the challenges faced by Guinea-Bissau,

Recalling the adoption on 1 October 2008 of the Strategic Framework for Peacebuilding in Guinea-Bissau,[228] and encouraging the Government of Guinea-Bissau to continue its close engagement with the Peacebuilding Commission towards its accelerated implementation,

Noting that the situation in Guinea-Bissau continues to be extremely fragile, in particular as a result of increased drug trafficking and organized crime that could pose a threat to regional stability and should also be addressed by an approach of shared responsibility,

Stressing its concern about human trafficking, especially that of children outside the country,

Reaffirming its full commitment to the consolidation of peace and stability in Guinea-Bissau,

1. *Decides* to extend the mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau until 31 December 2009;

2. *Welcomes* the report of the Secretary-General of 10 June 2009 on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country,[236] and takes note of the recommendations contained therein;

3. *Requests* the Secretary-General to establish a United Nations Integrated Peacebuilding Office in Guinea-Bissau to succeed the United Nations Peacebuilding Support Office in Guinea-Bissau, as recommended by him in his report, for an initial period of twelve months, beginning on 1 January 2010, with the following key tasks:

(*a*) Assisting the Peacebuilding Commission in its work in addressing critical peacebuilding needs in Guinea-Bissau;

(*b*) Strengthening the capacities of national institutions in order to maintain constitutional order, public security and full respect for the rule of law;

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[236] S/2009/302.

(*c*) Supporting national authorities to establish effective and efficient police and law enforcement and criminal justice systems;

(*d*) Supporting an inclusive political dialogue and national reconciliation process;

(*e*) Providing strategic and technical support and assistance to the Government of Guinea-Bissau in developing and coordinating the implementation of security sector reform;

(*f*) Assisting national authorities to combat drug trafficking and organized crime, as well as human trafficking, especially child trafficking;

(*g*) Supporting the national efforts to curb the proliferation of small arms and light weapons;

(*h*) Undertaking human rights promotion, protection and monitoring activities and supporting the institutionalization of respect for the rule of law;

(*i*) Mainstreaming a gender perspective into peacebuilding, in line with Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008;

(*j*) Enhancing cooperation with the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries, the European Union and other partners in their efforts to contribute to the stabilization of Guinea-Bissau;

(*k*) Helping in the mobilization of international assistance;

4. *Underlines* the need for appropriate expertise to ensure that the United Nations Integrated Peacebuilding Office in Guinea-Bissau effectively and efficiently implements its mandate;

5. *Underlines also* the importance of establishing a fully integrated office with effective coordination of strategies and programmes between the United Nations agencies, funds and programmes, between the United Nations and international donors, and between the integrated office, the Economic Community of West African States and other United Nations missions in the subregion, and requests the Secretary-General to take the necessary measures with the United Nations Peacebuilding Support Office in Guinea-Bissau to ensure a smooth transition between the Peacebuilding Support Office and the new integrated office;

6. *Requests* the Secretary-General to develop a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the mandate described in paragraph 3 above and to report on its implementation in accordance with paragraph 14 below;

7. *Calls upon* the Government and all political stakeholders of Guinea-Bissau to work together in order to set up the best conditions for national reconciliation and to consolidate peace and security throughout Guinea-Bissau;

8. *Urges* all members of the armed forces, including their leaders, to abide by civilian rule and to refrain from any interference in political issues, and to guarantee the security of the national institutions, as well as the population in general, and calls for the full protection and respect of human rights;

9. *Urges* Guinea-Bissau's political leaders to refrain from involving the military in politics, and requests them to use legal and peaceful means to solve their differences;

10. *Calls upon* the Government of Guinea-Bissau to conduct credible and transparent investigations into the political assassinations in March and June 2009, and to bring to justice those responsible for these acts, and also calls upon the international community to support those investigations;

11. *Requests in particular* the Secretary-General, in consultation with the African Union, the Economic Community of West African States and the Community of Portuguese-speaking Countries, to assist the Government of Guinea-Bissau in carrying out a credible investigation process;

12. *Takes note* of the initiatives undertaken by regional organizations for ensuring the protection of the national institutions and the authorities;

13. *Requests* the Secretary-General, through his Special Representative for Guinea-Bissau and the United Nations Integrated Peacebuilding Office in Guinea-Bissau, to assist the Government of Guinea-Bissau for effective coordination of the support provided by the international community to security sector reform in Guinea-Bissau, taking into account the work already undertaken by the European Union and other international actors in this area;

14. *Also requests* the Secretary-General to keep the Council regularly informed every four months on progress in establishing the United Nations Integrated Peacebuilding Office in Guinea-Bissau, with the first report due by 31 October 2009, and thereafter in the implementation of the present resolution;

15. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6152nd meeting.

PROTECTION OF CIVILIANS IN ARMED CONFLICT[237]

Decisions

At its 6066th meeting, on 14 January 2009, the Security Council decided to invite the representatives of Afghanistan, Argentina, Australia, Azerbaijan, Bangladesh, Belgium, Brazil, Canada, Colombia, the Czech Republic, Egypt, Finland, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kenya, Kuwait, Liechtenstein, Morocco, Myanmar, New Zealand, Nicaragua, Pakistan, Qatar, the Sudan, Switzerland, the Syrian Arab Republic, the United Arab Emirates, the United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Protection of civilians in armed conflict".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Archbishop Celestino Migliore, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations.

At the same meeting, the Council further decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 13 January 2009 to the President of the Council,[238] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

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[237] Resolutions or decisions on this question were first adopted by the Security Council in 1999.

[238] S/2009/31.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[239]

> "The Security Council reaffirms its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict and recalls previous statements on the issue made by its President.
>
> "The Council remains committed to addressing the impact of armed conflict on civilians. The Council expresses its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflict, including as a result of deliberate targeting, indiscriminate and excessive use of force, use of civilians as human shields and of sexual and gender-based violence, as well as all other acts that violate applicable international law. The Council condemns all violations of international law, including international humanitarian law, human rights law and refugee law, committed against civilians in situations of armed conflict. The Council demands that all relevant parties immediately put an end to such practices. The Council reaffirms in this regard that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians and to meet their basic needs, including by giving attention to the specific needs of women and children.
>
> "The Council recalls the obligations of all States to ensure respect for international humanitarian law, including the four Geneva Conventions of 12 August 1949,[240] and once again emphasizes the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law.
>
> "The Council recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.
>
> "The Council condemns terrorism in all its forms and manifestations, however and by whomever committed.
>
> "The Council underlines the importance of safe and unhindered access of humanitarian personnel and of the timely, safe and unhindered passage of essential relief goods, to provide assistance to civilians in armed conflict in accordance with applicable international law. The Council stresses the importance of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.
>
> "Recalling that on 15 March 2002, the Council first adopted the aide-memoire annexed to the statement by its President[241] as a means to facilitate its consideration of issues pertaining to the protection of civilians and recalling further that in the statements by its President of 20 December 2002[242] and 15 December 2003,[243] the Council expressed its willingness to update the aide-memoire regularly in order to reflect emerging trends in the protection of civilians in armed conflict, the Council adopts the updated aide-memoire contained in the annex to the present statement by its President.
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> "The Council reiterates the importance of the aide-memoire as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates, and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation, and undertakes to remain actively seized of the matter.

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[239] S/PRST/2009/1.

[240] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[241] S/PRST/2002/6.

[242] S/PRST/2002/41.

[243] S/PRST/2003/27.

"Annex

"Protection of civilians in armed conflict

"Aide-memoire

"For the consideration of issues pertaining to the protection of civilians in armed conflict

"Enhancing the protection of civilians in armed conflict is at the core of the work of the Security Council for the maintenance of peace and security. In order to facilitate the Council's consideration of protection of civilians concerns in a given context, including at the time of the establishment or renewal of peacekeeping mandates, in June 2001 members of the Council suggested that an aide-memoire, listing the relevant issues, be drafted in cooperation with the Council.[244] On 15 March 2002, the Council adopted the aide-memoire as a practical guide for its consideration of issues pertaining to the protection of civilians and agreed to review and update its contents periodically.[241] It was subsequently updated and adopted as an annex to the presidential statement of 15 December 2003.[243]

"This is the third edition of the aide-memoire and is based on the previous deliberations of the Council on the protection of civilians, including resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006). It is the result of consultation between the Council and the Office for the Coordination of Humanitarian Affairs, as well as between the Office and concerned United Nations departments and agencies, and other relevant humanitarian organizations.

"The aide-memoire is intended to facilitate the Council's consideration of issues relevant to the protection of civilians in armed conflict. To this end, it highlights primary objectives for Council action; offers, on the basis of the Council's past practice, specific issues for consideration in meeting those objectives; and provides, in the addendum, a selection of agreed language from Council resolutions and presidential statements that refer to such concerns.

"Bearing in mind that each peacekeeping mandate has to be elaborated on a case-by-case basis, the aide-memoire is not intended as a blueprint for action. The relevance and practicality of the various measures described has to be considered and adapted to the specific conditions in each situation.

"Most frequently, civilians are caught in circumstances of dire need where a peacekeeping operation has not been established. Such situations may require urgent attention by the Council. The present aide-memoire may, therefore, also provide guidance in circumstances where the Council may wish to consider action outside the scope of a peacekeeping operation.

"I. General protection concerns pertaining to the conflict-affected population

"A. Protection of, and assistance to, the conflict-affected population

"Parties to armed conflict to take the necessary measures to protect and meet the basic needs of the conflict-affected population

"Issues for consideration:

- Stress the responsibility of parties to armed conflict to respect, protect and meet the basic needs of civilian populations within their effective control.

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[244] See S/2001/614.

- Condemn, and call for the immediate cessation of, acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international humanitarian law and human rights law.

- Call for strict compliance by parties to armed conflict with applicable international humanitarian law and human rights law, including with regard to:

  - The prohibition against violence to life and person, in particular murder, mutilation, cruel treatment and torture; enforced disappearances; outrages upon personal dignity; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence.

  - The prohibition against arbitrary deprivation of liberty; corporal punishment; collective punishment; and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

  - The prohibition against the taking of hostages.

  - The prohibition against ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.

  - The prohibition against the recruitment or the active use of children in hostilities by parties to armed conflict in violation of applicable international law.

  - The prohibition against slavery and the slave trade in all their forms and uncompensated or abusive forced labour.

  - The prohibition against wilfully impeding relief supplies as provided for under international humanitarian law.

  - The prohibition of persecution on political, religious, racial or gender grounds.

  - The prohibition of any adverse distinction in the application of international humanitarian law and human rights law based on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status.

  - The obligation to respect and protect, to whichever party they belong, the wounded and sick, to take all possible measures, particularly after an engagement, to search for and collect the wounded and sick and to provide, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition without distinction on any grounds other than medical ones.

- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council, where appropriate and on a case-by-case basis, to contribute to the protection of the civilian population, particularly those under imminent threat of physical danger, within their zones of operation. In doing so, request:

  - The development of clear guidelines/directives as to what missions can do to protect civilians.

  - That the protection of civilians is prioritized in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates.

- Request that reports of the Secretary-General on country-specific situations include the protection of civilians as a specific aspect of the report; and request the development of mission-specific strategies and plans of action, in consultation with United Nations country teams, for enhancing the protection of civilians that take into account the needs of different population groups, including internally displaced persons and refugees, women, children, older persons and persons with disabilities.

- Request troop- and police-contributing countries to ensure the provision of appropriate training to heighten the awareness and responsiveness to protection concerns of their personnel participating in United Nations peacekeeping and other relevant missions authorized by the Security Council to protect civilians.
- Urge relevant regional and/or subregional bodies to develop and implement policies, activities and advocacy for the benefit of civilians affected by armed conflict.

"B. Displacement

"Parties to armed conflict and other relevant actors to refrain from, and take the necessary measures to prevent and respond to, the displacement of the civilian population

"Issues for consideration:

- Condemn, and call for the immediate cessation of, displacement in violation of applicable international humanitarian law and human rights law.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law, human rights law and refugee law, including with regard to:
  - The prohibition against deportation, forcible transfer or displacement of the civilian population, in whole or in part, unless the security of the civilians concerned or imperative military reasons so demand.
  - The obligation, in case of displacement, to ensure to the greatest practicable extent that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated, and that basic needs are met during displacement.
  - The right to freedom of movement and to leave one's country and seek asylum.
  - The right to non-refoulement under the Convention relating to the Status of Refugees,[245] the protection of which does not extend to any person with respect to whom there are serious reasons for considering that she or he has been guilty of acts contrary to the purposes and principles of the United Nations.
- Underline the primary responsibility of States to respect and maintain the security and civilian character of camps for refugees and internally displaced persons, including disarming armed elements, separating combatants, curbing the flow of small arms in camps and preventing recruitment by armed groups in and around camps.
- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to take all feasible measures to ensure security in and around such camps and for their inhabitants.
- Request that reports of the Secretary-General on country-specific situations include the protection of displaced persons as a specific aspect of the report.
- Urge relevant regional and/or subregional bodies to develop and implement policies, activities and advocacy for the benefit of internally displaced persons and refugees.

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[245] United Nations, *Treaty Series*, vol. 189, No. 2545.

"Safe, voluntary and dignified return and reintegration of refugees and internally displaced persons

"Issues for consideration:

- Call for strict compliance by parties to armed conflict with applicable international humanitarian law, refugee law and human rights law, including with regard to:
  - Respect for the right of refugees and displaced persons to voluntary return in safety and dignity to their homes.
  - Respect for the property rights of refugees and displaced persons, without adverse distinction on the basis of gender, age or other status.
- Affirm in relevant resolutions the right of refugees and displaced persons to voluntary, safe and dignified return to their homes.
- Call upon all parties concerned to create the conditions conducive to allowing voluntary, safe, dignified and sustainable return, inter alia, by concluding agreements and/or adopting measures designed to facilitate return, and by promoting favourable conditions for the reconstruction and economic and social development of areas of return.
- Call upon all parties concerned to ensure non-discriminatory treatment of returning refugees and internally displaced persons.
- Call upon all parties concerned to ensure the participation of refugees and internally displaced persons and inclusion of their needs, including their right to voluntary, safe and dignified return and reintegration, in all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes.
- Encourage United Nations peacekeeping and other relevant missions authorized by the Security Council, as appropriate and on a case-by-case basis, to support domestic mechanisms for addressing housing, land and property issues or their establishment by national authorities.
- Encourage United Nations peacekeeping and other relevant missions authorized by the Security Council, as appropriate and on a case-by-case basis, to prevent the illegal appropriation and confiscation of land and property belonging to refugees and internally displaced persons and to ensure the protection of returning refugees and internally displaced persons.

"C. Humanitarian access and safety and security of humanitarian workers

"Parties to armed conflict to agree to and facilitate relief operations that are humanitarian and impartial in character and to allow and facilitate rapid and unimpeded passage of relief consignments, equipment and personnel

"Issues for consideration:

- Condemn, and call for the immediate removal of, impediments to humanitarian access in violation of applicable international humanitarian law.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law, including:
  - The prohibition against using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under applicable international humanitarian law.
  - Agreeing to relief actions which are humanitarian and impartial in character and conducted without any adverse distinction.

- Call for strict compliance by parties to armed conflict and third States with their obligations under applicable international humanitarian law to allow and facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel subject to their right to prescribe technical arrangements, including search, under which such passage is permitted.
- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council, where appropriate and as requested, to facilitate the provision of humanitarian assistance.

"Parties to armed conflict to respect and protect humanitarian workers and facilities

"Issues for consideration:

- Condemn, and call for the immediate cessation of, attacks deliberately targeting humanitarian workers.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law, including the duty to respect and protect relief personnel and installations, material, units and vehicles involved in humanitarian assistance.
- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to contribute, as requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance.
- Encourage the Secretary-General to bring to the attention of the Security Council situations in which humanitarian assistance is denied as a consequence of violence directed against humanitarian personnel and facilities.
- Request that States include key provisions of the Convention on the Safety of United Nations and Associated Personnel[246] and the Optional Protocol thereto,[247] such as those regarding the prevention of attacks against members of United Nations operations, the criminalization of such attacks and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated with the United Nations.

"D. Conduct of hostilities

"Parties to armed conflict to take all feasible precautions to spare civilians from the effects of hostilities

"Issues for consideration:

- Condemn, and call for the immediate cessation of, all acts of violence or abuses committed against civilians in violation of applicable international humanitarian law and human rights law.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law, including the prohibitions against:
    - Directing attacks against the civilian population or against individual civilians not directly taking part in hostilities.
    - Directing attacks against civilian objects.
    - Launching an attack that is indiscriminate, i.e., of a nature to strike military objectives and civilians or civilian objects without distinction.

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[246] Ibid., vol. 2051, No. 35457.

[247] General Assembly resolution 60/42, annex.

  - Launching an attack which may be expected to cause incidental loss of life or injury to civilians or damage to civilian objects or a combination thereof which would be excessive in relation to the concrete and direct military advantage anticipated.
  - Directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under international humanitarian law.
  - Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations.
  - Rape and other forms of sexual violence.
  - Directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives.
  - Directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions[240] in conformity with international law.
  - Destroying or seizing the property of the adversary unless required by military necessity.
  - Using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under applicable international humanitarian law.

- Request regular reporting by United Nations peacekeeping and other relevant missions authorized by the Security Council on concrete steps taken to ensure the protection of the civilian population in the conduct of hostilities and on measures to ensure accountability for violations of applicable international humanitarian law.

"E. Small arms and light weapons, mines and explosive remnants of war

"Protection of the civilian population through the control of, and reduction in the availability of, illicit small arms and light weapons

"Issues for consideration:

- Request States and regional and subregional organizations to adopt measures to curb and reduce illicit trafficking in small arms and light weapons, such as voluntary collection and destruction; effective stockpile management; arms embargoes; sanctions; and legal measures against corporate actors, individuals and entities involved in such activities.
- Encourage strengthened practical cooperation between United Nations peacekeeping and other relevant missions authorized by the Security Council aimed at monitoring and preventing the cross-border movement of small arms and light weapons.
- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to collect and dispose of or secure illicit and/or surplus small arms and light weapons as well as surplus ammunition stockpiles.
- Consider imposing arms embargoes and other measures aimed at preventing the sale or supply of arms and related materiel of all types to parties to armed conflict that commit violations of applicable international law.

- Encourage strengthened practical cooperation among relevant sanctions monitoring groups of the Security Council peacekeeping and other relevant missions authorized by the Council and States.

- Request the establishment of a baseline arms inventory as well as arms marking and registration systems in situations where a United Nations arms embargo coincides with disarmament, demobilization and reintegration efforts.

"Protection of the civilian population through the marking, clearance, removal or destruction of mines and explosive remnants of war, including cluster munition remnants

"Issues for consideration:

- Call upon parties to armed conflict, after the cessation of active hostilities and as soon as feasible, to mark, clear, remove or destroy mines and explosive remnants of war (ERW) in affected territories under their control, prioritizing areas affected by mines and ERW which are assessed to pose serious humanitarian risk.

- Call upon parties to armed conflict to record and retain information on the use of mines and explosive ordnance or the abandonment of explosive ordnance, to facilitate rapid marking and clearance, removal or destruction of mines and ERW and risk education, and to provide the relevant information to the party in control of, and civilian populations in, the territory.

- Call upon parties to armed conflict to take all feasible precautions in the territory under their control affected by mines and ERW to protect the civilian population, in particular children, including issuing warnings, undertaking risk education, marking, fencing and monitoring territory affected by mines and ERW.

- Call upon parties to armed conflict to protect United Nations peacekeeping and other relevant missions authorized by the Security Council, as well as humanitarian organizations, from the effects of mines and ERW and to make available information on the location of mines and ERW that they are aware of in the territory where the mission/organizations are or will be operating.

- Call upon parties to armed conflict, States and other relevant actors to provide technical, financial, material or human resources assistance to facilitate the marking, clearance, removal or destruction of mines and ERW.

- Call upon parties to armed conflict, States and other relevant actors to provide assistance for the care, rehabilitation and economic and social reintegration of victims of ERW and their families and communities.

"F. Compliance, accountability and the rule of law

"Compliance by parties to armed conflict with applicable international humanitarian law and human rights law

"Issues for consideration:

- Call upon parties to armed conflict to take appropriate measures to respect and ensure respect for international humanitarian law and human rights law, including by:
    - Enforcing appropriate military disciplinary measures and upholding the principle of command responsibility.
    - Training troops on applicable international humanitarian law and human rights law.
    - Vetting armed and security forces to ensure that personnel have a reliably attested record of not having been involved in violations of international humanitarian law or human rights law.

- Consider applying targeted and graduated measures against parties to armed conflict that commit violations of applicable international humanitarian law and human rights law.

"**Accountability for persons suspected of genocide, crimes against humanity, war crimes or serious violations of human rights law**

"Issues for consideration:

- Stress the importance of ending impunity for criminal violations of applicable international humanitarian law and human rights law as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation.

- Call upon States to comply with their obligations to investigate, search for, prosecute or extradite persons suspected of committing genocide, war crimes, crimes against humanity or other serious violations of human rights law.

- Stress the need for the exclusion of, and reject any form of, or endorsement of, amnesty for genocide, crimes against humanity, war crimes or other serious violations of human rights in conflict resolution processes and ensure that no such amnesty previously granted is a bar to prosecution before any United Nations-created or assisted court.

- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to promote, in cooperation with relevant States, the establishment of effective arrangements for investigating and prosecuting violations of international humanitarian law or other serious violations of human rights law.

- Request the cooperation of States and United Nations peacekeeping and other relevant missions authorized by the Security Council in the apprehension and surrender of alleged perpetrators of genocide, crimes against humanity, war crimes or other serious violations of human rights law.

- Consider the establishment, in situations where local judicial mechanisms are overwhelmed, of ad hoc judicial mechanisms at the national or international level to investigate and prosecute war crimes and serious violations of human rights law.

- Consider the referral of situations involving genocide, crimes against humanity or war crimes to the International Criminal Court.

"**Protection of civilians through the restoration and enforcement of the rule of law**

"Issues for consideration:

- Call upon States to ensure equal protection under the law and equal access to justice for victims of violations of international humanitarian law and human rights law, including women and children, and to take the necessary measures to ensure the protection of victims and witnesses.

- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to support restoration of the rule of law, including the provision of assistance in monitoring, restructuring and reforming the justice sector.

- Request the rapid deployment of qualified and well-trained international civilian police, justice and corrections experts as a component of United Nations peacekeeping and other relevant missions authorized by the Security Council.

- Call upon States and regional and subregional organizations to provide technical assistance for local police, judiciary and penitentiaries (e.g., mentoring, legislative drafting).

"Build confidence and enhance stability by promoting truth and reconciliation mechanisms

"Issues for consideration:

- Mandate the establishment of appropriate, locally adapted mechanisms for truth and reconciliation (e.g., technical assistance, funding, reintegration of civilians within communities).
- Request, where appropriate, the establishment by the Secretary-General of commissions of inquiry and similar measures with regard to situations involving genocide, war crimes, crimes against humanity or serious violations of human rights law.

"G. Media and information

"Protection of journalists, other media professionals and associated personnel

"Issues for consideration:

- Condemn, and call for the immediate cessation of, attacks against journalists, media professionals and associated personnel operating in situations of armed conflict.
- Call for compliance by parties to armed conflict with applicable international humanitarian law and respect for the civilian status of journalists, media professionals and associated personnel as well as their equipment and installations.
- Demand that States take all necessary steps to prosecute those responsible for attacks against journalists, media professionals and associated personnel in violation of applicable international humanitarian law.

"Counter occurrences of speech used to incite violence

"Issues for consideration:

- Condemn, and call for the immediate cessation of, incitements to violence against civilians in situations of armed conflict.
- Demand that States bring to justice individuals who incite or otherwise cause such violence.
- Impose targeted and graduated measures in response to media broadcasts inciting genocide, crimes against humanity, war crimes or other serious violations of human rights law.
- Mandate United Nations peacekeeping and other relevant missions authorized by the Security Council to promote the establishment of media monitoring mechanisms to ensure effective monitoring, reporting and documenting of any incidents, origins and contents that incite 'hate media'.

"Promote and support accurate management of information on the conflict

"Issues for consideration:

- Urge parties to armed conflict to respect the professional independence of journalists, media professionals and associated personnel.
- Encourage United Nations peacekeeping and other relevant missions authorized by the Security Council to include a mass-media component that can disseminate information about international humanitarian law and human rights law while also giving objective information about the activities of the United Nations.

- Request relevant actors to provide technical assistance to States in drafting and enforcing anti-hate speech legislation.

"II. Specific protection concerns arising from Security Council discussions on children affected by armed conflict

"Parties to armed conflict to take the necessary measures to meet the specific protection, health, education and assistance needs of children

"Issues for consideration:

- Condemn, and call for the immediate cessation of, violations and abuses committed against children in situations of armed conflict, including the recruitment or active use in hostilities of children by parties to armed conflict in violation of applicable international law; the killing or maiming of children; rape and other grave sexual abuse of children; abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law and human rights law relating to children affected by armed conflict.
- Call upon relevant parties to develop and implement concrete time-bound action plans to halt recruitment and use of children, in close collaboration with United Nations peacekeeping missions, United Nations country teams and the Special Representative of the Secretary-General for Children and Armed Conflict.
- Call upon all parties concerned to implement the recommendations of the Security Council Working Group on Children and Armed Conflict.
- Include specific provisions for the protection of children in the mandates of United Nations peacekeeping and other relevant missions authorized by the Security Council.
- Request that reports of the Secretary-General on country-specific situations include the protection of children as a specific aspect of the report.
- Call upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes, including measures for family tracing and reunification, the rehabilitation and reintegration of separated children, and the release and reintegration of children associated with armed forces and groups.
- Urge States, United Nations entities, regional and subregional organizations and other concerned parties to take appropriate measures to control illicit subregional and cross-border activities harmful to children, as well as other violations and abuses committed against children in situations of armed conflict in violation of applicable international law.
- Urge relevant regional and/or subregional bodies to develop and implement policies, activities and advocacy for the benefit of children affected by armed conflict.

"III. Specific protection concerns arising from Security Council discussions on women affected by armed conflict

"Parties to armed conflict and other relevant actors to refrain from, and take the necessary measures to prevent and respond to, sexual violence

"Issues for consideration:

- Condemn, and call for the immediate cessation of, acts of sexual violence committed in the context of, and associated with, armed conflict.

- Call for strict compliance by parties to armed conflict with the rules of international humanitarian law and human rights law prohibiting rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence.
- Call upon parties to armed conflict to take appropriate measures to refrain from, prevent and protect all persons from all forms of sexual violence, including by:
  - Enforcing appropriate military disciplinary measures and upholding the principle of command responsibility.
  - Training troops on the categorical prohibition of all forms of sexual violence.
  - Debunking myths that fuel sexual violence.
  - Vetting armed and security forces to ensure that personnel have a reliably attested record of not having been involved in the perpetration of rape and other forms of sexual violence.
  - Evacuating to safety civilians under imminent threat of sexual violence.
- Request that reports of the Secretary-General on country-specific situations include sexual violence as a specific aspect of the report, including, to the extent possible, disaggregated data as to gender and age of victims; and request the development of mission-specific strategies and plans of action for preventing and responding to sexual violence, as part of a broader protection of civilians strategy.
- Urge relevant regional and/or subregional bodies to develop and implement policies, activities and advocacy for the benefit of civilians affected by sexual violence.
- Request troop- and police-contributing countries to deploy higher numbers of women peacekeepers or police, and to ensure the provision of appropriate training to their personnel participating in United Nations peacekeeping and other relevant missions on the protection of civilians, including women and children, and the prevention of sexual violence in conflict and post-conflict situations.

"Parties to armed conflict to take the necessary measures to meet the specific protection, health and assistance needs of women and girls

"Issues for consideration:

- Condemn, and call for the immediate cessation of, violations and abuses committed against women and girls in situations of armed conflict.
- Call for strict compliance by parties to armed conflict with applicable international humanitarian law and human rights law relating to the protection of women and girls affected by armed conflict.
- Call upon all parties concerned to ensure that the protection, rights and well-being of women and girls affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes.
- Include specific provisions for the protection of women and girls in the mandates of United Nations peacekeeping and other relevant missions authorized by the Security Council.
- Request that reports of the Secretary-General on country-specific situations include the protection of women and girls as a specific aspect of the report.
- Urge relevant regional and/or subregional bodies to develop and implement policies, activities and advocacy for the benefit of women and girls affected by armed conflict.

"Equal participation and full involvement of women in the prevention and resolution of armed conflict

"Issues for consideration:

- Urge States, United Nations entities, regional and subregional organizations and other concerned parties to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.
- Call upon all actors involved in negotiating and implementing peace agreements to adopt a gender perspective, including by considering:
    - The needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.
    - Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in the implementation mechanisms of peace agreements.
    - Measures that ensure the protection of, and respect for, the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.
- Urge the Secretary-General and his Special Envoys to ensure the participation of women in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourage all parties to such talks to facilitate the equal and full participation of women at all decision-making levels.
- Ensure that Security Council missions take into account gender considerations and the rights of women and girls, including through consultation with local and international women's groups.
- Urge troop- and police-contributing countries to expand the role, numbers and contribution of women in United Nations operations, and especially among military observers and civilian police.

"Sexual exploitation and abuse

"Issues for consideration:

- Urge humanitarian and development organizations to take appropriate action to prevent sexual exploitation and abuse by their personnel, including predeployment and in-theatre awareness training and, in the case of United Nations actors, to promote and ensure compliance, including by civilian staff of United Nations peacekeeping and other relevant missions, with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse.[248]
- Urge troop- and police-contributing countries to take appropriate action to prevent sexual exploitation and abuse by their personnel, including predeployment and in-theatre awareness training to promote and ensure compliance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse.
- Urge troop- and police-contributing countries to ensure full accountability in cases of sexual exploitation and abuse involving their personnel and to report to the Secretary-General on action taken.

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[248] ST/SGB/2003/13.

"Addendum: Selection of agreed language

I. GENERAL PROTECTION CONCERNS PERTAINING TO THE CONFLICT-AFFECTED POPULATION

A. Protection of, and assistance to, the conflict-affected population

Condemn, and call for the cessation of, violations of applicable international humanitarian law and human rights law	Demands an end to violence by all sides, to attacks on civilians, peacekeepers and humanitarian personnel, and to other violations of human rights and international humanitarian law.	Resolution 1828 (2008), para. 11	See also, for example, resolutions 1674 (2006), paras. 3, 11 and 26; 1574 (2004), para. 11; 1493 (2003), para. 8; 1468 (2003), para. 2; and 1296 (2000), paras. 2 and 5.
	Reaffirms … its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect, in particular, to (i) torture and other prohibited treatment, (ii) gender-based and sexual violence, (iii) violence against children, (iv) the recruitment and use of child soldiers, (v) trafficking in humans, (vi) forced displacement, and (vii) the intentional denial of humanitarian assistance, and demands that all parties put an end to such practices.	Resolution 1674 (2006), para. 5	
	Strongly condemning all violations of human rights and international humanitarian law … in particular the continuation of violence against civilians and sexual violence against women and girls…, urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay.	Resolution 1591 (2005), tenth preambular para.	
	Condemning all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis … including indiscriminate attacks on civilians, rapes, forced displacements and acts of violence, especially those with an ethnic dimension, and expressing its utmost concern at the consequences of the conflict … on the civilian population, including women, children, internally displaced persons, and refugees.	Resolution 1556 (2004), eighth preambular para.	
Call for compliance with applicable international humanitarian law and human rights law	Emphasizing the importance of the safety and well-being of all civilians.	Resolution 1860 (2009), third preambular para.	See also, for example, resolutions 1801 (2008), para. 13; 1794 (2007), para. 7; 1790 (2007), eighteenth preambular para.; 1776 (2007), eleventh preambular para.; 1674 (2006), para. 6; 1564 (2004), tenth preambular para.; and 307 (1971), para. 3.
	Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties … and emphasizing that the ... civilian populations must be protected.	Resolution 1860 (2009), fourth preambular para.	
	Stressing the primary responsibility of [the affected State] for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law.	Resolution 1794 (2007), fifth preambular para.	
	Demands that Government and rebel forces … ensure that their members comply with international humanitarian law.	Resolution 1574 (2004), para. 11	
	[U]rges all parties, including [the affected State], to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular those committed against civilians.	Resolution 1493 (2003), para. 8	
	The Council … recognizes the needs of civilians under foreign occupation, and stresses … in this regard, the responsibilities of the occupying Power.	Presidential statement S/PRST/2004/46	

Role of United Nations peacekeeping and other relevant missions and actors	Requests [the peacekeeping mission] to attach the highest priority to addressing the crisis … in all its dimensions, in particular through the protection of civilians.	Resolution 1794 (2007), para. 2	See also, for example, resolutions 1828 (2008), para. 7; 1778 (2007), paras. 1 and 2; 1701 (2006), para. 12; 1590 (2005), para. 4; and 1565 (2004), para. 4.
	Acting under Chapter VII of the Charter of the United Nations, (*a*) Authorizes [regional organization] to deploy … an operation … and decides that this operation shall be authorized to take all necessary measures, within its capabilities and its area of operations…, to fulfil the following functions: (i) To contribute to protecting civilians in danger, particularly refugees and displaced persons; (ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; (iii) To contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel.	Resolution 1778 (2007), para. 6	
	Acting under Chapter VII of the Charter of the United Nations: (*a*) Decides that [the peacekeeping mission] is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to: … (ii) … prevent … armed attacks, and protect civilians, without prejudice to the responsibility of [the affected State].	Resolution 1769 (2007), para. 15	
	Decides … that [peacekeeping mission] shall have the mandate, within the limits of its capabilities and in its areas of deployment, to assist [the affected State] in establishing a stable security environment … and, to that end: *Protection of civilians, humanitarian personnel and United Nations personnel and facilities* (*a*) To ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence; (*b*) To contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons; (*c*) To ensure the protection of United Nations personnel, facilities, installations and equipment; (*d*) To ensure the security and freedom of movement of United Nations and associated personnel; (*e*) To carry out joint patrols with the riot-control units of the national police to improve security in the event of civil disturbance.	Resolution 1756 (2007), para. 2	
	Reaffirms its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding: (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation …	Resolution 1674 (2006), para. 16	

	[A]nd expresses its intention of ensuring that: (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) protection mandates are implemented.		
	Recognizes the increasingly valuable role that regional organizations and other intergovernmental institutions play in the protection of civilians, and encourages the Secretary-General and the heads of regional and other intergovernmental organizations to continue their efforts to strengthen their partnership in this regard.	Resolution 1674 (2006), para. 24	
	Decides that [regional organization force] is authorized to take all necessary measures, within its means and capabilities, to carry out the following tasks, in accordance with the agreement to be reached between the [regional organization] and the United Nations: … (*b*) To contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of [the affected State] … (*e*) To execute operations of limited character in order to extract individuals in danger.	Resolution 1671 (2006), para. 8	
Strategy development and reporting	Requests [peacekeeping mission], in view of the scale and severity of sexual violence committed especially by armed elements in [the country], to undertake a thorough review of its efforts to prevent and respond to sexual violence, and to pursue a comprehensive mission-wide strategy, in close cooperation with the United Nations country team and other partners, to strengthen prevention, protection and response to sexual violence, including through training for the [national] security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including factual data and trend analyses of the problem.	Resolution 1794 (2007), para. 18	See also, for example, resolution 1296 (2000), para. 24.
	Reiterates its invitation to the Secretary-General to continue to refer to the Council relevant information and analysis regarding the protection of civilians where he believes that such information or analysis could contribute to the resolution of issues before it, requests him to continue to include in his written reports to the Council on matters of which it is seized, as appropriate, observations relating to the protection of civilians in armed conflict, and encourages him to continue consultations and take concrete steps to enhance the capacity of the United Nations in this regard.	Resolution 1674 (2006), para. 25	
Training for peacekeeping personnel	Requests the Secretary-General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peacebuilding activities have appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination, and urges States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities.	Resolution 1265 (1999), para. 14	See also, for example, resolutions 1325 (2000), para. 6; and 1296 (2000), para. 19.

B. Displacement

Prohibition of, and response to, forcible displacement	Recalls the prohibition of the forcible displacement of civilians in situations of armed conflict under circumstances that are in violation of parties' obligations under international humanitarian law.	Resolution 1674 (2006), para. 12	
	Urges the international community to provide support and assistance to enable States to fulfill their responsibilities regarding the protection of refugees and other persons protected under international humanitarian law.	Resolution 1674 (2006), para. 13	
	Notes that the overwhelming majority of internally displaced persons and other vulnerable groups in situations of armed conflict are civilians and, as such, are entitled to the protection afforded to civilians under existing international humanitarian law.	Resolution 1296 (2000), para. 3	
Asylum and non-refoulement	Recalling also the right to seek and enjoy asylum reflected in article 14 of the Universal Declaration [of Human Rights] and the non-refoulement obligation of States under the Convention relating to the Status of Refugees adopted on 28 July 1951, together with its Protocol adopted on 31 January 1967 ("the Refugees Convention and its Protocol"), and also recalling that the protections afforded by the Refugees Convention and its Protocol shall not extend to any person with respect to whom there are serious reasons for considering that he has been guilty of acts contrary to the purposes and principles of the United Nations.	Resolution 1624 (2005), seventh preambular para.	
	The [Security] Council reaffirms the principle of non-refoulement of refugees, as provided for in relevant instruments of international law, welcomes recent efforts of countries neighbouring [the affected State] to support the voluntary repatriation of … refugees in safety and dignity, and urges those host States to continue to provide international protection to [those] refugees in need of it. It encourages the international community to provide the necessary assistance in this regard.	Presidential statement S/PRST/2000/12	
	The [Security] Council is particularly concerned at the withdrawal of refugee status from and the consequent ending of assistance to many refugees from [the neighbouring State]… The decisions of [the affected State] in this regard may lead to the involuntary return of tens of thousands of people to an area that is neither safe nor prepared to receive them. The Council stresses the importance of the principle of non-refoulement set out in the 1951 Geneva Convention relating to the Status of Refugees, to which [the affected State] is a party. The Council urges [the affected State] to continue to provide asylum to all refugees regardless of their origin.	Presidential statement S/PRST/1995/49	
Civilian character of refugee camps and sites for internally displaced persons	Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps by armed groups.	Resolution 1834 (2008), twelfth preambular para.	See also, for example, resolutions 1778 (2007), twelfth preambular para.; 1286 (2000), para. 12; 1272 (1999), para. 12; and
	Endorses the police concept referred to in the report of the Secretary-General, including the provisions regarding the establishment of the [special national police section], which would be dedicated exclusively to	Resolution 1778 (2007), para. 5	

	maintaining law and order in refugee camps, sites with concentrations of internally displaced persons and key towns in neighbouring areas and to assisting in securing humanitarian activities … and in this regard encourages [the affected State] to establish the [section], emphasizes the urgent need to provide [it with] logistical and financial support … and requests the Secretary-General to mobilize Member States and institutional donors for this purpose.		presidential statement S/PRST/1999/32
	Reaffirms the need to maintain the security and civilian character of refugee and internally displaced person camps, stresses the primary responsibility of States in this regard, and encourages the Secretary-General where necessary and in the context of existing peacekeeping operations and their respective mandates, to take all feasible measures to ensure security in and around such camps and of their inhabitants.	Resolution 1674 (2006), para. 14	
	Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design.	Resolution 1325 (2000), para. 12	
	Invites the Secretary-General to bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements and where such situations may constitute a threat to international peace and security, expresses, in this regard, its willingness to consider such situations and, where necessary, adopt appropriate steps to help to create a secure environment for civilians endangered by conflicts, including by providing support to States concerned in this regard.	Resolution 1296 (2000), para. 14	
	Notes that a range of measures by the international community is needed to share the burden borne by African States hosting refugees and to support their efforts to ensure the security and civilian and humanitarian character of refugee camps and settlements, including in the areas of law enforcement, disarmament of armed elements, curtailment of the flow of arms in refugee camps and settlements, separation of refugees from other persons who do not qualify for international protection afforded refugees or otherwise do not require international protection, and demobilization and reintegration of former combatants.	Resolution 1208 (1998), para. 6	
Safe, voluntary and dignified return and reintegration	Calls upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning have regard for the special needs of women and children and include specific measures for the protection of civilians, including … (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons.	Resolution 1674 (2006), para. 11	See also, for example, resolutions 1826 (2008), para. 8; 1812 (2008), para. 18; 1752 (2007), para. 6; 1746 (2007), para. 27; 1716 (2006), para. 9; 1591 (2005), seventh
	Reaffirms the unacceptability of the demographic changes resulting from the conflict, reaffirms also the inalienable rights of all refugees and internally displaced persons affected by the conflict, and stresses that they have the right to return to their homes in secure and dignified conditions.	Resolution 1615 (2005), para. 18	

	Affirms that internally displaced persons, refugees and other vulnerable peoples should be allowed to return to their homes voluntarily, in safety and with dignity, and only when adequate assistance and protection are in place.	Resolution 1564 (2004), para. 6	preambular para.; 1556 (2004), nineteenth preambular para.; 1545 (2004), thirteenth preambular para.; 1494 (2003), para. 15; 1272 (1999), para. 12; and 849 (1993), para. 11.
	Reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes … condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of [the region].	Resolution 1096 (1997), para. 8	
	Welcomes the commitment of the parties to the right of all refugees and displaced persons freely to return to their homes of origin or to other places of their choice … in safety … and stresses the importance of facilitating the return or resettlement of refugees and displaced persons, which should be gradual and orderly and carried out through progressive, coordinated programmes that address the need for local security, housing and jobs.	Resolution 1088 (1996), para. 11	
	Reaffirms its support for the established principles that all declarations and actions made under duress, particularly those regarding land and ownership, are null and void, and that all displaced persons should be enabled to return in peace to their former homes.	Resolution 941 (1994), para. 3	
	The [Security] Council is deeply concerned that in spite of its previous requests there has been little progress on the issue of the return of [refugees from ethnic minority group] and urges [the Government] to adopt a comprehensive approach in order to facilitate the return of refugees … to their homes of origin throughout [the affected State]. It deplores the continued failure by [the affected State] to safeguard effectively their property rights, especially the situation where many of those [ethnic minority refugees] who have returned to the former sectors have been unable to regain possession of their properties. The Council calls upon [the affected State] to apply immediately proper procedures to the question of property rights and to stop all forms of discrimination against the [minority population] in the provision of social benefits and reconstruction assistance.	Presidential statement S/PRST/1996/48	
Role of United Nations peacekeeping and other relevant missions and actors	Approves the establishment … of a multidimensional presence intended to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in [specific areas] and by creating favourable conditions for the reconstruction and economic and social development of those areas.	Resolution 1778 (2007), para. 1	See also, for example, resolutions 1812 (2008), para. 18; 1565 (2004), para. 5; 1545 (2004), paras. 5 (*f*) and 13; 1509 (2003), para. 6; 1419 (2002), para. 11; 1244 (1999), para. 11; and 1145 (1997), para. 13.
	Decides … that [peacekeeping mission] shall have the mandate, within the limits of its capabilities and in its areas of deployment, to assist [the affected State] in establishing a stable security environment in the country, and, to that end: … (*b*) To contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons.	Resolution 1756 (2007), para. 2	

	Reaffirms its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding … the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, and expresses its intention of ensuring that: (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) protection mandates are implemented.	Resolution 1674 (2006), para. 16	
	Acting under Chapter VII of the Charter of the United Nations… decides that [peacekeeping mission] shall have the following mandate: … (*b*) To monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons.	Resolution 1542 (2004), para. 7, sect. III (*b*)	
	Recalls that the [opposition group] bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and requests further measures to be undertaken [by United Nations agencies] to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, to develop their skills and to increase their self-reliance, with full respect for their inalienable right to return to their homes in secure and dignified conditions.	Resolution 1494 (2003), para. 15	

C. Humanitarian access and safety and security of humanitarian workers

Condemn, and call for the cessation of, attacks against humanitarian workers and the wilful impediment of humanitarian access	Condemns any attack against personnel or facilities [of the peacekeeping mission] and demands that no acts of intimidation or violence be directed against United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work.	Resolution 1840 (2008), para. 16	See also, for example, resolutions 1828 (2008), para. 8; 1780 (2007), para. 13; 1769 (2007), thirteenth preambular para. and para. 14; and 1265 (1999), paras. 8 and 9.
	Reiterating its deep concern for the decreasing security of humanitarian personnel, including killings of humanitarian workers, in [the territory] and the hindering of their access to populations in need, condemning the parties to the conflict who have failed to ensure the full, safe and unhindered access of relief personnel as well as the delivery of humanitarian assistance, further condemning all instances of banditry and carjackings.	Resolution 1828 (2008), twelfth preambular para.	
Call for compliance with applicable international humanitarian law	Calls for the unimpeded provision and distribution throughout [the affected territory] of humanitarian assistance, including food, fuel and medical treatment.	Resolution 1860 (2009), para. 2	See also, for example, resolutions 1778 (2007), para. 17; 1769 (2007), para. 14; 1746 (2007), para. 24;
	Welcomes the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid.	Resolution 1860 (2009), para. 3	
	Demands … [the affected State], all militias, armed groups and all other stakeholders ensure the full, safe	Resolution 1828 (2008),	

and unhindered access of humanitarian organizations and relief personnel.	para. 13	1674 (2006), paras. 8 and 22; 1574 (2004), para. 11; 1565 (2004), paras. 20 and 21; 1545 (2004), para. 12; 1533 (2004), para. 5; 1509 (2003), sixth preambular para. and para. 8; 1502 (2003), para. 4; 1497 (2003), para. 11; 1493 (2003), para. 12; 1296 (2000), paras. 12 and 15; and 1265 (1999), paras. 7–9.
[C]alls upon all parties and armed groups … to take appropriate steps to ensure the safety and security of [peacekeeping], United Nations and humanitarian personnel, demands that all parties ensure timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need, wherever they may be, and urges the countries in the region to facilitate the provision of humanitarian assistance, including the timely, safe and unhindered passage of essential relief goods … by land or via airports and seaports.	Resolution 1814 (2008), para. 12	
Reaffirms the obligation of all parties to comply fully with the relevant rules and principles of international humanitarian law relating to the protection of humanitarian and United Nations personnel, and also demands that all parties concerned grant immediate, full and unimpeded access by humanitarian personnel to all persons in need of assistance, as provided for in applicable international law.	Resolution 1794 (2007), para. 17	
Calls upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning … include specific measures for the protection of civilians, including … the facilitation of the provision of humanitarian assistance.	Resolution 1674 (2006), para. 11	
Urges all those concerned, as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full and unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and associated personnel and their assets.	Resolution 1674 (2006), para. 22	
Calls upon all Member States to ensure the free, unhindered and expeditious movement to [the affected State] of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of [peacekeeping operation].	Resolution 1590 (2005), para. 8	
Calls upon [the affected State to facilitate] international relief for the humanitarian disaster by means of a moratorium on all restrictions that might hinder the provision of humanitarian assistance and access to affected populations.	Resolution 1556 (2004), para. 1	
Underlines the importance of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts, calls upon all parties concerned, including neighbouring States, to cooperate fully with the United Nations Humanitarian Coordinator and United Nations agencies in providing such access, invites States and the Secretary-General to bring to its attention information regarding the deliberate denial of such access in violation of international law, where such denial may constitute a threat to international peace and security, and in this regard expresses its willingness to consider such information and, when necessary, to adopt appropriate steps.	Resolution 1296 (2000), para. 8	

	Expresses its intention, where appropriate, to call upon the parties to a conflict to make special arrangements to meet the protection and assistance requirements of women, children and other vulnerable groups, including through the promotion of "days of immunization" and other opportunities for the safe and unhindered delivery of basic necessary services.	Resolution 1296 (2000), para. 10	
Role of United Nations peacekeeping and other relevant missions and actors	Reiterates its support for the contribution made by some States to protect the World Food Programme maritime convoys, calls upon States and regional organizations, in close coordination with each other and as notified in advance to the Secretary-General, and at the request of [the Government], to take action to protect shipping involved with the transportation and delivery of humanitarian aid … and United Nations-authorized activities, calls upon [regional peacekeeping mission] troop-contributing countries, as appropriate, to provide support to this end, and requests the Secretary-General to provide his support to this effect.	Resolution 1814 (2008), para. 11	See also, for example, resolutions 1769 (2007), para. 15; 1756 (2007), para. 2; 1701 (2006), para. 12; 1590 (2005), para. 16; 1565 (2004), paras. 4 and 5; 1542 (2004), para. 9; 1528 (2004), para. 6; 1509 (2003), para. 3 (*k*); 1502 (2003), para. 5 (*a*); 1493 (2003), para. 25; 1289 (2000), para. 12; and 1270 (1999), para. 14.
	Acting under Chapter VII of the Charter of the United Nations, (*a*) Authorizes [regional organization] to deploy … an operation … and decides that this operation shall be authorized to take all necessary measures, within its capabilities and its area of operations…, to fulfill the following functions: … (ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; (iii) To contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel.	Resolution 1778 (2007), para. 6	
	Decides to authorize member States of [regional organization] to maintain a mission in [country] ... which shall be authorized to take all necessary measures, as appropriate, to carry out the following mandate: … (*d*) To contribute, as may be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance.	Resolution 1772 (2007), para. 9 (*d*)	
	Reaffirms its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding … the facilitation of the provision of humanitarian assistance … and expresses its intention of ensuring that: (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) protection mandates are implemented.	Resolution 1674 (2006), para. 16	

Accountability for attacks against humanitarian workers	Condemns all attacks deliberately targeting United Nations and associated personnel involved in humanitarian missions, as well as other humanitarian personnel, [and] urges States on whose territory such attacks occur to prosecute or extradite those responsible.	Resolution 1674 (2006), para. 23	See also, for example, resolution 1265 (1999), para. 10.
	Emphasizing that there are existing prohibitions under international law against attacks knowingly and intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission undertaken in accordance with the Charter [of the United Nations] which in situations of armed conflict constitute war crimes, and recalling the need for States to end impunity for such criminal acts.	Resolution 1502 (2003), fifth preambular para.	
	Expresses its strong condemnation of all forms of violence, including, inter alia, murder, rape and sexual assault, intimidation, armed robbery, abduction, hostage-taking, kidnapping, harassment and illegal arrest and detention, to which those participating in humanitarian operations are increasingly exposed, as well as attacks on humanitarian convoys and acts of destruction and looting of their property. Urges States to ensure that crimes against such personnel do not remain unpunished.	Resolution 1502 (2003), paras. 1 and 2	
	Expresses its determination to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and associated personnel, including, inter alia, by: (*a*) Requesting the Secretary-General to seek the inclusion of, and requesting that host countries include, key provisions of the Convention on the Safety of United Nations and Associated Personnel …, among others, those regarding the prevention of attacks against members of United Nations operations, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements.	Resolution 1502 (2003), para. 5 (*a*)	
Targeted and graduated measures as a response to the wilful impediment of humanitarian access and to attacks against humanitarian workers	Decides … that the provisions [relating to travel bans and freezing of assets and economic resources] shall apply to individuals [and] entities, designated by the [sanctions committee] … (*c*) As obstructing the delivery of humanitarian assistance to [the affected State], or access to, or distribution of, humanitarian assistance in [the affected State].	Resolution 1844 (2008), para. 8	See also, for example, resolutions 1727 (2006), para. 12, 1296 (2000), para. 15; and 1265 (1999), para. 10.
	Expresses its determination to take appropriate steps in order to ensure the safety and security of humanitarian personnel and United Nations and associated personnel, including, inter alia, by: … (*b*) Encouraging the Secretary-General, in accordance with his prerogatives under the Charter of the United Nations, to bring to the attention of the Security Council situations in which humanitarian assistance is denied as a consequence of violence directed against humanitarian personnel and United Nations and associated personnel.	Resolution 1502 (2003), para. 5 (*b*)	

D. Conduct of hostilities			
Condemn, and call for the cessation of, violations of applicable international humanitarian law and human rights law	Condemns all violence and hostilities directed against civilians and all acts of terrorism.	Resolution 1860 (2009), para. 5	See also, for example, resolutions 1674 (2006), para. 26; 1574 (2004), para. 11; 1493 (2003), para. 8; 1468 (2003), para. 2; and 1296 (2000), paras. 2 and 5.
	[Demands] an end to attacks on civilians, from any quarter, including by aerial bombing, and the use of civilians as human shields.	Resolution 1828 (2008), thirteenth preambular para.	
	Condemns in the strongest terms all attacks, including improvised explosive device attacks, suicide attacks and abductions, targeting civilians … and condemns further the use by [non-State armed groups] of civilians as human shields.	Resolution 1806 (2008), para. 12	
	Recalls that deliberately targeting civilians and other protected persons as such in situations of armed conflict is a flagrant violation of international humanitarian law, reiterates its condemnation in the strongest terms of such practices, and demands that all parties immediately put an end to such practices.	Resolution 1674 (2006), para. 3	
Call for compliance with applicable international humanitarian law and human rights law	[S]tresses the responsibility of all parties and armed groups in [the affected State] to take appropriate steps to protect the civilian population…, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas.	Resolution 1814 (2008), para. 17	See also, for example, resolutions 1828 (2008), thirteenth preambular para.; 1806 (2008), para. 13; 1801 (2008), para. 13; 1794 (2007), para. 7; 1776 (2007), eleventh preambular para.; 1574 (2004), para. 11; 1564 (2004), tenth preambular para.; 1493 (2003), para. 8; and 1265 (1999), para. 4.
	Affirming the importance for all parties, including foreign forces, promoting the maintenance of security and stability in [the affected State] to act in accordance with international law, including relevant obligations under international humanitarian law, human rights law and refugee law, and to cooperate with the relevant international organizations … and underscoring that all parties, including foreign forces, should take all feasible steps to ensure the protection of affected civilians.	Resolution 1790 (2007), eighteenth preambular para.	
	Demands that all parties concerned comply strictly with the obligations applicable to them under international [humanitarian, human rights and refugee] law, in particular those contained in the Hague Conventions of 1899 and 1907 and in the Geneva Conventions of 1949 and the Additional Protocols thereto, of 1977, as well as with the decisions of the Security Council.	Resolution 1674 (2006), para. 6	
Reporting	Emphasizes that … operations by [the national armed forces dealing with illegal foreign and national armed groups] should be planned jointly with [peacekeeping mission] and in accordance with international humanitarian, human rights and refugee law and should include appropriate measures to protect civilians, and requests the Secretary-General to include in his reports to the [Security] Council an assessment of the measures taken to protect civilians.	Resolution 1794 (2007), para. 7	See also, for example, resolutions 1833 (2008), para. 6; 1790 (2007), para. 5; and 1529 (2004), para. 9.
	[R]equests [the Secretary-General] to continue to include in his written reports to the Council on matters of which it is seized, as appropriate, observations relating to the protection of civilians in armed conflict.	Resolution 1674 (2006), para. 25	

E. Small arms and light weapons, mines and explosive remnants of war

Condemnation of illicit trade in and supply of small arms	Notes that the excessive accumulation and destabilizing effect of small arms and light weapons pose a considerable impediment to the provision of humanitarian assistance and have a potential to exacerbate and prolong conflicts, endanger [the lives of] civilians and undermine security and the confidence required for a return to peace and stability.	Resolution 1296 (2000), para. 21	See also, for example, resolution 1265 (1999), para. 17.
Call for compliance with international measures on small arms	Urges Member States, in accordance with the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to take effective action through, inter alia, conflict resolution and the development and implementation of national legislation, in a manner which is consistent with existing responsibilities of States under relevant international law, to control the illicit trade of small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.	Resolution 1460 (2003), para. 7	See also, for example, resolution 1209 (1998), para. 3.
	Calls for effective international action to prevent the illegal flow of small arms into areas of conflict.	Resolution 1318 (2000), annex, sect. VI, first para.	
	Recognizes the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations, particularly children, and, in this regard, recalls resolution 1209 (1998) of 19 November 1998, in which, inter alia, the Council stresses the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts, and in which it urges international collaboration in combating illegal arms flows.	Resolution 1261 (1999), para. 14	
	[S]tresses the need to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely Manner, Illicit Small Arms and Light Weapons, in order to make real progress in preventing, combating and eradicating the illicit trade in small arms and light weapons. In particular, States are encouraged to strengthen physical security and stockpile management, destroy surplus and obsolete small arms and light weapons, ensure that all small arms and light weapons are marked at the time of manufacture and import, and strengthen export and border controls and control brokering activities.	Presidential statement S/PRST/2007/24	
Role of United Nations peacekeeping missions and other relevant actors in preventing the illicit trade in and supply of small arms	Decides … that [peacekeeping mission] shall have the mandate, within the limits of its capabilities and in its areas of deployment, to assist [the affected State] in establishing a stable security environment in the country, and, to that end: … (*h*) To seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of [the affected State] violates the measures imposed by [resolution imposing an arms embargo], and to dispose of such arms and related materiel as appropriate.	Resolution 1756 (2007), para. 2 (*h*)	

	[D]ecides that the [peacekeeping mission] … shall have the following mandate: … (*m*) To monitor the implementation of the measures imposed by [resolution], in cooperation with the Group of Experts … and, as appropriate, with the [peacekeeping missions in neighbouring States] and Governments concerned, including by inspecting, as they deem it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of [the affected State]; (*n*) To collect, as appropriate, arms and any related materiel brought into [the affected State] in violation of the measures imposed by [resolution], and to dispose of such arms and related materiel as appropriate.	Resolution 1609 (2005), para. 2
Targeted and graduated measures as a response to the illicit trade in and supply of small arms	[R]eaffirms its intention to consider imposing, through country-specific resolutions, targeted and graduated measures, such as, inter alia, a ban on the export and supply of small arms and light weapons and of other military equipment and on military assistance, against parties to situations of armed conflict that are on the agenda of the Security Council and are in violation of applicable international law relating to the rights and protection of children in armed conflict.	Resolution 1612 (2005), para. 9
	Decides that all States shall … take the necessary measures to prevent the direct or indirect supply, sale or transfer to [the affected State], from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not these originated in their territories, as well as the provision of any assistance, advice or training related to military activities.	Resolution 1572 (2004), para. 7
	Decides … that all States shall take the necessary measures to prevent the sale or supply to [the affected State], by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not these originated in their territories.	Resolution 1521 (2003), para. 2 (*a*)
	Expresses its intention to consider taking appropriate steps, in accordance with the Charter of the United Nations, to address the linkages between armed conflict and terrorism, the illicit trade in precious minerals, the illicit trafficking in small arms and light weapons, and other criminal activities, which can prolong armed conflict or intensify its impact on civilian populations, including children.	Resolution 1379 (2001), para. 6
International and regional cooperation in preventing the illicit trade in and supply of small arms	[C]alls upon the countries of the region to reinforce their cooperation with the Security Council Committee and the Group of Experts … in enforcing the arms embargo in [the affected State] and to combat cross-border trafficking in illicit small arms, light weapons and illicit natural resources as well as the movement of combatants, and reiterates its demand that [States in the region] take measures to prevent the use of their respective territories in support of the activities of armed groups present in the region.	Resolution 1653 (2006), para. 16

	Requests the Secretary-General to ensure that his [Special Representatives for neighbouring countries] coordinate the activities of [their respective missions], share military information at their disposal, in particular concerning cross-border movements of armed elements and arms trafficking, and pool their logistic and administrative resources, to an extent that does not affect the ability to carry out their respective mandates, in order to maximize efficiency and cost-effectiveness.	Resolution 1545 (2004), para. 20	
Mine action and explosive remnants of war	Welcomes the continued contribution of [peacekeeping mission] to operational demining…, encourages further assistance in mine action by the United Nations to [the affected State] in support of both the continued development of its national mine action capacity and emergency demining activities … commends donor countries for supporting these efforts through financial and in-kind contributions and encourages further international contributions, takes note of the communication to [the affected State] and [peacekeeping mission] of maps and information on the location of mines, and stresses the necessity to provide [the affected State] and [peacekeeping mission] with any additional maps and records on the location of mines.	Resolution 1525 (2004), para. 9	
	The [Security] Council expresses deepest worry at the presence in very high numbers of unexploded ordnance in [region of the affected country], including cluster munitions. It deplores the death and injury of dozens of civilians, as well as of several deminers, caused by those munitions since the cessation of hostilities. It supports in this context the request by the Secretary-General to [party to conflict] to provide to the United Nations detailed data on its use of cluster munitions in [territory of the affected State].	Presidential statement S/PRST/2007/12	

F. Compliance, accountability and the rule of law

Dissemination of, and training on, international humanitarian law and human rights law standards	Underlining the importance of the widest possible dissemination of international humanitarian, human rights and refugee law and of relevant training for, inter alia, civilian police, armed forces, members of the judicial and legal professions, civil society and personnel of international and regional organizations.	Resolution 1265 (1999), eighth preambular para.	
	Calls upon States which have not already done so to consider ratifying the major instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement these instruments domestically, drawing on technical assistance, as appropriate, from relevant international organizations, including the International Committee of the Red Cross and United Nations bodies.	Resolution 1265 (1999), para. 5	
Promoting compliance through targeted and graduated measures	[A]ll States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by [the sanctions committee]. Decides … that all States shall, during the period of enforcement of the measures…, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by [the Committee], or that are held by entities owned or controlled, directly or indirectly, by them or by any	Resolution 1807 (2008), paras. 9, 11 and 13 (*e*)	See also, for example, resolution 1727 (2006), para. 12.

	persons or entities acting on their behalf or at their direction…, and decides that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities. Decides … that [these] provisions shall apply to … individuals operating in [the affected State] and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.		
	Decides … that those individuals … who … commit violations of international humanitarian or human rights law or other atrocities … shall be subject to the [following] measures: that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by [the sanctions committee]…, provided that nothing in the present paragraph shall obligate a State to refuse entry into its territory to its own nationals; that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by [the sanctions committee], or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides also that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.	Resolution 1591 (2005), paras. 3 (*c*)–(*e*)	
	Decides … that all States shall take the necessary measures, for a period of twelve months, to prevent the entry into or transit through their territories of all persons … who constitute a threat to the peace and national reconciliation process in [the affected State], [including] any other person determined to be responsible for serious violations of human rights and international humanitarian law… provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals.	Resolution 1572 (2004), para. 9	
Accountability	Reiterates its call upon the [national] authorities to put an end to impunity, including by bringing to justice without delay perpetrators of grave violations of human rights and of international humanitarian law, and to take into account, when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the past actions of the candidates in terms of respect for international humanitarian law and human rights.	Resolution 1756 (2007), para. 12	See also, for example, resolutions 1828 (2008), eighth preambular para.; 1826 (2008), ninth preambular para.; 1816 (2008), para. 16; 1769 (2007), twelfth preambular para.; 1674 (2006),
	Emphasizes … the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law, while recognizing, for States in or recovering from armed conflict, the need to restore or build independent national judicial systems and institutions.	Resolution 1674 (2006), para. 8	

	Strongly condemns the acts of violence systematically perpetrated against civilians, including the massacres, as well as other atrocities and violations of international humanitarian law and human rights, in particular sexual violence against women and girls, stresses the need to bring to justice those responsible, including those at the command level, and urges all parties, including [the affected State], to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular those committed against civilians.	Resolution 1493 (2003), para. 8	para. 11; 1591 (2005), fifth preambular para.; 1577 (2004), para. 2; 1565 (2004), para. 19; 1564 (2004), ninth preambular para. and para. 7; 1556 (2004), tenth preambular para. and para. 6; 1479 (2003), para. 8; 1468 (2003), para. 2; 1296 (2000), para. 17; 1291 (2000), para. 15; and 1289 (2000), para. 17.
	Reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and, in particular, the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.	Resolution 1193 (1998), para. 12	
Establishment of ad hoc judicial mechanisms and commissions of inquiry	Reaffirms that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses, draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and notes that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims.	Resolution 1674 (2006), para. 7	
	Requests that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law … by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable, calls upon all parties to cooperate fully with such a commission.	Resolution 1564 (2004), para. 12	
	Emphasizes the responsibility of States to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of international humanitarian law, affirms the possibility, to this end, of using the International Fact-Finding Commission established by article 90 of Additional Protocol I to the Geneva Conventions.	Resolution 1265 (1999), para. 6	
	Decides hereby, having received the request of [the affected State], to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory [of the affected State] and citizens [of the affected State] responsible for genocide and other such violations committed in the territory of neighbouring States, between [dates].	Resolution 955 (1994), para. 1	

	Decides hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of [the affected State] between [dates].	Resolution 827 (1993), para. 2	
Referral of situations involving genocide, crimes against humanity or war crimes to the International Criminal Court	Acting under Chapter VII of the Charter of the United Nations, Decides to refer the situation … to the Prosecutor of the International Criminal Court. Decides … that [the affected State] and all other parties to the conflict … shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to the present resolution and, while recognizing that States not party to the Rome Statute of the Court have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully. Invites the Court and [relevant regional organization] to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity.	Resolution 1593 (2005), sixth preambular para. and paras. 1–3	
Restoration of the rule of law	[I]nvites [the affected State], with the assistance of the international community, to continue to work towards the establishment of a fair and transparent justice system, including the reconstruction and reform of the correctional system, in order to strengthen the rule of law throughout the country and eliminate impunity.	Resolution 1746 (2007), para. 13	
	Urging [the affected State] to undertake, in coordination with the international community, a comprehensive reform of the police, judiciary and correctional systems, to promote and protect human rights and fundamental freedoms and to end impunity.	Resolution 1702 (2006), ninth preambular para.	
	Calls upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning … include specific measures for the protection of civilians including the re-establishment of the rule of law.	Resolution 1674 (2006), para. 11	
Role of United Nations peacekeeping missions and other relevant actors in restoring the rule of law and promoting accountability	Decides … that [the peacekeeping mission] shall also have the mandate, in close cooperation with the [national authorities], the United Nations country team and donors, to support the strengthening of democratic institutions and the rule of law … and, to that end: … (*c*) To assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law.	Resolution 1756 (2007), para. 3	See also, for example, resolutions 1589 (2005), para. 9; 1564 (2004), para. 9; and 1528 (2004), para. 6.
	Decides that [peacekeeping mission], consistent with its existing mandate … [shall] assist with the restructuring and maintenance of the rule of law, public safety and public order, shall provide assistance and advice to the [national authorities], in consultation with relevant actors, in monitoring, restructuring, reforming and strengthening the justice sector, including through	Resolution 1702 (2006), para. 14	

	technical assistance to review all relevant legislation, the provision of experts to serve as professional resources, the rapid identification and implementation of mechanisms to address prison overcrowding and prolonged pretrial detention and the coordination and planning of these activities, and invites [the affected State] to take full advantage of that assistance.		
	Encourages the Special Representative of the Secretary-General for [the affected State] and the independent expert of the Commission on Human Rights to work closely with [the affected State] in supporting independent investigations of violations of human rights and international humanitarian law in [the region].	Resolution 1556 (2004), para. 14	
	Underlines the importance of civilian police as a component of peacekeeping operations, recognizes the role of police in assuring the safety and well-being of civilians and in this regard acknowledges the need to enhance the capacity of the United Nations for the rapid deployment of qualified and well-trained civilian police.	Resolution 1265 (1999), para. 15	

G. Media and information

Protection of journalists	Condemns intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices.	Resolution 1738 (2006), para. 1	See also resolution 1738 (2006), para. 7.
	Recalls … that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in article 4.A, paragraph 4, of the Third Geneva Convention.	Resolution 1738 (2006), para. 2	
	Recalls … that media equipment and installations constitute civilian objects, and in this respect shall not be the object of attack or of reprisals, unless they are military objectives.	Resolution 1738 (2006), para. 3	
	Urges States and all other parties to an armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel.	Resolution 1738 (2006), para. 6	
Countering incitement to violence	Reaffirms its condemnation of all incitements to violence against civilians in situations of armed conflict, further reaffirms the need to bring to justice, in accordance with applicable international law, individuals who incite such violence, and indicates its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law.	Resolution 1738 (2006), para. 4	
	Underlines that it is fully prepared to impose targeted measures against persons … who are determined to be, among other things: … (*e*) Publicly inciting hatred and violence.	Resolution 1727 (2006), para. 12	
	Decides … that all States shall take the necessary measures, for a period of twelve months, to prevent the entry into or transit through their territories of all	Resolution 1572 (2004),	

	persons … who constitute a threat to the peace and national reconciliation process in [the affected State], [including] any other person who publicly incites hatred and violence … provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals.	para. 9	
	Reaffirms its condemnation of all incitements to violence against civilians in situations of armed conflict, also reaffirms the need to bring to justice individuals who incite or otherwise cause such violence, and indicates its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcasts inciting genocide, crimes against humanity and serious violations of international humanitarian law.	Resolution 1296 (2000), para. 17	
Accurate management of information on the conflict	Urges all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians.	Resolution 1738 (2006), para. 8	
	Affirms that, where appropriate, United Nations peacekeeping missions should include a mass-media component that can disseminate information about international humanitarian law and human rights law, including peace education and protection of children, while also giving objective information about the activities of the United Nations, and further affirms that, where appropriate, regional peacekeeping operations should be encouraged to include such mass-media components.	Resolution 1296 (2000), para. 18	

II. SPECIFIC PROTECTION CONCERNS ARISING FROM SECURITY COUNCIL DISCUSSIONS ON CHILDREN AFFECTED BY ARMED CONFLICT

Condemn, and call for the cessation of, violations against children	Strongly condemns the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls.	Resolution 1840 (2008), para. 21	See also, for example, resolutions 1780 (2007), para. 17; and 1493 (2003), para. 13.
	Expresses its strong concern about the recruitment and use of children by [opposition forces] … as well as the killing and maiming of children as a result of the conflict, [and] reiterates its strong condemnation of the recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children in situations of armed conflict.	Resolution 1806 (2008), para. 14	
	Reaffirms … its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to … (iii) violence against children, (iv) the recruitment and use of child soldiers … and demands that all parties put an end to such practices.	Resolution 1674 (2006), para. 5	
	Strongly condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and all other violations and abuses committed against children in armed conflict.	Resolution 1612 (2005), para. 1	
	Strongly condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them, the killing and maiming of children, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access to children, attacks against schools and hospitals, as well as	Resolution 1539 (2004), para. 1	

	trafficking, forced labour and all forms of slavery and all other violations and abuses committed against children affected by armed conflict.		
Call for compliance with applicable international humanitarian law and human rights law	[D]emands that all armed groups … immediately stop recruiting and using children and release all children associated with them.	Resolution 1794 (2007), para. 3	See also, for example, resolutions 1479 (2003), para. 15; and 1296 (2000), para. 10.
	[C]alls upon all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund and other agencies of the United Nations system and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams … in the follow-up to and implementation of those commitments.	Resolution 1612 (2005), para. 15	
	[R]eiterates its call upon the parties to armed conflict [listed in the relevant report of the Secretary-General] that have not already done so to prepare and implement, without further delay, concrete time-bound action plans to halt the recruitment and use of children in violation of applicable international law and to address all violations and abuses against children in close cooperation with the [Special Representative of the Secretary-General for Children and Armed Conflict], as well as with the United Nations Children's Fund and the United Nations country task forces on monitoring and reporting.	Presidential statement S/PRST/2008/6	
Role of United Nations peacekeeping and other relevant missions and actors	Decides to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child-protection advisers, [and] requests the Secretary-General to ensure that the need for and the number and roles of child-protection advisers are systematically assessed during the preparation of each United Nations peacekeeping operation.	Resolution 1612 (2005), para. 12	See also, for example, resolutions 1828 (2008), para. 14; 1806 (2008), para. 14; 1780 (2007), para. 17; 1612 (2005), para. 18; 1565 (2004), para. 5 (*g*); 1509 (2003), para. 3; 1460 (2003), para. 15; 1296 (2000), para. 9; and 1265 (1999), para. 13.
	Welcomes recent initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict, and encourages continued mainstreaming of child protection into their advocacy, policies and programmes; development of peer review and monitoring and reporting mechanisms; establishment, within their secretariats, of child-protection mechanisms; inclusion of child-protection staff and training in their peace and field operations; subregional and interregional initiatives to end activities harmful to children in times of conflict, in particular cross-border recruitment and abduction of children, illicit movement of small arms, and illicit trade in natural resources through the development and implementation of guidelines on children and armed conflict.	Resolution 1612 (2005), para. 13	
	Urges Member States, United Nations entities, regional and subregional organizations and other parties concerned, to take appropriate measures to control illicit subregional and cross-border activities harmful to children, including … abduction of children and their use and recruitment as soldiers, as well as other violations and abuses committed against children in situations of armed conflict in violation of applicable international law.	Resolution 1612 (2005), para. 16	

	Urges all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives.	Resolution 1612 (2005), para. 17	
	Requests the Secretary-General to ensure that in all his reports to the [Security] Council on country-specific situations, the protection of children in armed conflict is included as a specific aspect of the report.	Resolution 1460 (2003), para. 15	
	The [Security] Council reiterates the need for stronger focus by all parties concerned, including Governments and the donor community, on the long-term effects of armed conflict on children and the impediments to their full rehabilitation and reintegration into their families and communities, by, inter alia, addressing the need for providing appropriate health care, enhancing their exchange of information about programmes and best practices, and ensuring the availability of adequate resources, funding and technical assistance to support national strategies or action plans in the area of child protection and welfare, and community-based programmes, bearing in mind the Paris principles to protect children from unlawful recruitment by armed forces or groups, with a view to ensuring the long-term sustainability and success of their programmatic response to the release, rehabilitation and reintegration of all children associated with armed forces and armed groups.	Presidential statement S/PRST/2008/28	
Training for peacekeeping personnel	Reiterates the importance of compliance with relevant provisions of international humanitarian, human rights and refugee law and of providing appropriate training in such law, including child and gender-related provisions, as well as in negotiation and communications skills, cultural awareness, civil-military coordination and sensitivity in the prevention of HIV/AIDS and other communicable diseases, to personnel involved in peacemaking, peacekeeping and peacebuilding activities, requests the Secretary-General to disseminate appropriate guidance and to ensure that such United Nations personnel have the appropriate training, and urges relevant Member States, as necessary and feasible, to disseminate appropriate instructions and to ensure that appropriate training is included in their programmes for personnel involved in similar activities.	Resolution 1296 (2000), para. 19	See also, for example, resolutions 1325 (2000), para. 6; and 1265 (1999), para. 14.
Children and peace processes	Calls upon all concerned parties to ensure that the protection of children is addressed in the implementation of the [peace agreement], and requests the Secretary-General to ensure continued monitoring and reporting of the situation of children and continued dialogue with parties to the conflict towards the preparation of time-bound action plans to end the recruitment and use of child soldiers and other violations against children.	Resolution 1769 (2007), para. 17	See also, for example, resolutions 1826 (2008), para. 6; and 1674 (2006), para. 11.
	Calls upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes.	Resolution 1612 (2005), para. 14	

Targeted and graduated measures as a response to violations of applicable international humanitarian law and human rights law obligations relating to children	[A]ll States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by [the sanctions committee]. Decides … that all States shall, during the period of enforcement of the measures …, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by [the sanctions committee], or that are held by entities owned or controlled, directly or indirectly by them or by any persons or entities acting on their behalf or at their direction …, and decides that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities. Decides … that [these] provisions shall apply to … political and military leaders operating in [the affected State] and recruiting or using children in armed conflicts in violation of applicable international law; [and] individuals operating in [the affected State] and committing serious violations of international law involving the targeting of children.	Resolution 1807 (2008), paras. 9, 11 and 13 (*d*) and (*e*)

III. SPECIFIC PROTECTION CONCERNS ARISING FROM SECURITY COUNCIL DISCUSSIONS ON WOMEN AFFECTED BY ARMED CONFLICT

Condemn, and call for the cessation of, violations against women and girls	Reiterating its deep concern that, despite its repeated condemnation of violence against women and children in situations of armed conflict, including sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to occur, and in some situations have become systematic and widespread, reaching appalling levels of brutality.	Resolution 1820 (2008), eighth preambular para.
	[S]trongly condemns continuing forms of discrimination and violence against women and girls, stresses the importance of implementing Security Council resolution 1325 (2000).	Resolution 1806 (2008), para. 28
	[S]trongly condemns all violations of international law committed against women and girls during and after armed conflicts, urges the complete cessation by all parties of such acts with immediate effect, and also urges Member States to bring to justice those responsible for crimes of this nature.	Presidential statement S/PRST/2008/39
Call for compliance with applicable international humanitarian law and human rights law	Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the 1951 Convention and the 1967 Protocol thereto, relating to the Status of Refugees, the 1979 Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto of … 1999 and the Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of … 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court.	Resolution 1325 (2000), para. 9

Women and the prevention and resolution of conflict	Calls upon all concerned parties to ensure that the protection of women and children is addressed in the implementation of the [political agreement] as well as the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children.	Resolution 1826 (2008), para. 6	
	Urges the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels.	Resolution 1820 (2008), para. 12	
	Calls upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning have regard for the special needs of women.	Resolution 1674 (2006), para. 11	
	Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.	Resolution 1325 (2000), para. 1	
	Calls upon all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including: (*a*) The special needs of women and girls during repatriation and resettlement, and for rehabilitation, reintegration and post-conflict reconstruction; (*b*) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (*c*) Measures that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.	Resolution 1325 (2000), para. 8	
	Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.	Resolution 1325 (2000), para. 15	
Role of United Nations peacekeeping and other relevant missions and actors	[R]equests the Secretary-General to ensure, as appropriate, that resolutions 1325 (2000) and 1820 (2008) are implemented by [the peacekeeping mission] and to include information on this in his report[s].	Resolution 1828 (2008), para. 15	See also, for example, resolutions 1590 (2005), para. 15; 1528 (2004), para. 6 (*n*); 1325 (2000), paras. 5 and 7; and presidential statement S/PRST/2007/40
	Requests the Secretary-General to develop effective guidelines and strategies to enhance the ability of relevant United Nations peacekeeping operations, consistent with their mandates, to protect civilians, including women and girls, from all forms of sexual violence and to systematically include in his written reports to the Council on conflict situations his observations concerning the protection of women and girls and recommendations in this regard.	Resolution 1820 (2008), para. 9	
	Requests the Secretary-General and relevant United Nations agencies, inter alia, through consultation with women and women-led organizations, as appropriate, to develop effective mechanisms for providing protection	Resolution 1820 (2008), para. 10	

from violence, including, in particular, sexual violence, to women and girls in and around United Nations-managed refugee and internally displaced persons camps, as well as in all disarmament, demobilization and reintegration processes, and in justice and security sector reform efforts assisted by the United Nations.	
Urges all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations.	Resolution 1820 (2008), para. 13
Urges appropriate regional and subregional bodies, in particular, to consider developing and implementing policies, activities and advocacy for the benefit of women and girls affected by sexual violence in armed conflict.	Resolution 1820 (2008), para. 14
Requests [peacekeeping mission], in view of the scale and severity of sexual violence committed especially by armed elements in [country], to undertake a thorough review of its efforts to prevent and respond to sexual violence, and to pursue a comprehensive mission-wide strategy, in close cooperation with the United Nations country team and other partners, to strengthen prevention, protection and response to sexual violence, including through training for the [national] security forces in accordance with its mandate, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including factual data and trend analyses of the problem.	Resolution 1794 (2007), para. 18
Condemns in the strongest terms all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and undertakes to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place.	Resolution 1674 (2006), para. 19
Decides that [peacekeeping mission] will … assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, ...investigate human rights violations to put an end to impunity, and … cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant [United Nations] agencies.	Resolution 1565 (2004), para. 5 (*g*)
Also urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police and human rights and humanitarian personnel.	Resolution 1325 (2000), para. 4
Notes the importance of including in the mandates of peacemaking, peacekeeping and peacebuilding operations special protection and assistance provisions for groups requiring particular attention, including women and children.	Resolution 1265 (1999), para. 13

Training for peacekeeping personnel	Requests the Secretary-General, in consultation with the [Security] Council, the Special Committee on Peacekeeping Operations and its Working Group and relevant States, as appropriate, to develop and implement appropriate training programmes for all peacekeeping and humanitarian personnel deployed by the United Nations in the context of missions as mandated by the Council to help them to better prevent, recognize and respond to sexual violence and other forms of violence against civilians.	Resolution 1820 (2008), para. 6	See also, for example, resolutions 1296 (2000), para. 19; and 1265 (1999), para. 14.
	Encourages troop- and police-contributing countries, in consultation with the Secretary-General, to consider steps they could take to heighten awareness and the responsiveness of their personnel participating in United Nations peacekeeping operations to protect civilians, including women and children, and prevent sexual violence against women and girls in conflict and post-conflict situations, including, wherever possible, the deployment of a higher percentage of women peacekeepers or police.	Resolution 1820 (2008), para. 8	
	Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and also requests the Secretary-General to ensure that the civilian personnel of peacekeeping operations receive similar training.	Resolution 1325 (2000), para. 6	
Condemn, and call for the cessation of, sexual violence	Demands that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008).	Resolution 1828 (2008), para. 15	See also, for example, resolutions 1674 (2006), para. 19; 1591 (2005), tenth preambular para.; 1545 (2004), eighth preambular para.; 1468 (2003), para. 2; and 1325 (2000), para. 10.
	Demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect.	Resolution 1820 (2008), para. 2	
	Demands … that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, and evacuation of women and children under imminent threat of sexual violence to safety; and requests the Secretary-General, where appropriate, to encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate United Nations officials and the parties to the conflict, taking into account, inter alia, the views expressed by women of affected local communities.	Resolution 1820 (2008), para. 3	
	Reaffirms also its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect, in particular, to … gender-based and sexual violence.	Resolution 1674 (2006), para. 5	

Targeted and graduated measures as a response to violations of international humanitarian law and human rights law obligations relating to women	Affirms its intention, when establishing and renewing State-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict.	Resolution 1820 (2008), para. 5	
	[A]ll States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by [the sanctions committee]. Decides … that all States shall, during the period of enforcement of the measures …, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by [the sanctions committee], or that are held by entities owned or controlled, directly or indirectly, by them or by any persons or entities acting on their behalf or at their direction …, and decides that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities. Decides … that [these] provisions shall apply to … individuals operating in [the affected State] and committing serious violations of international law involving the targeting of children or women in situations of armed conflict.	Resolution 1807 (2008), paras. 9, 11 and 13 (*e*)	
Accountability for the perpetrators of sexual violence	Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts and to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation.	Resolution 1820 (2008), para. 4	See also, for example, resolutions 1591 (2005), tenth preambular para.; 1493 (2003), para. 8; and 1468 (2003), para. 2.
	Condemning, in particular, sexual violence perpetrated by [militias and armed groups as well as elements of the national armed and police forces] and other security and intelligence services, stressing the urgent need for [the affected State], in cooperation with [peacekeeping mission] and other relevant actors, to end such violence and bring the perpetrators, as well as the senior commanders under whom they serve, to justice, and calling upon Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims.	Resolution 1794 (2007), fourteenth preambular para.	
Sexual exploitation and abuse	[R]equests the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and urges troop- and police-contributing countries to take appropriate preventative action, including predeployment and in-theatre awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel.	Resolution 1820 (2008), para. 7	See also, for example, resolutions 1840 (2008), para. 22; 1674 (2006), para. 20; 1565 (2004),

	Requests the Secretary-General to take the necessary measures to achieve actual compliance in [peacekeeping mission] with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, and to further take all necessary action in accordance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training and … post-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel."	Resolution 1769 (2007), para. 16	para. 25; 1460 (2003), para. 10; and 1436 (2002), para. 15.

At its 6151st meeting, on 26 June 2009, the Council decided to invite the representatives of Afghanistan, Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, Colombia, the Czech Republic, Georgia, Guatemala, Indonesia, Israel, Italy, Jordan, Kenya, Liechtenstein, Morocco, New Zealand, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Sri Lanka, Switzerland, the Syrian Arab Republic, Uruguay and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Protection of civilians in armed conflict
>
> > "Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)".

At the same meeting, the Council also decided to extend an invitation to the Permanent Observer of Palestine to the United Nations, in response to his request dated 16 June 2009 to the President of the Council,[249] in accordance with the provisional rules of procedure of the Council and its previous practice in that regard.

At the same meeting, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mrs. Alice Mungwa, Senior Political Affairs Adviser in the Office of the Permanent Observer of the African Union to the United Nations, in response to the request dated 25 June 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Council.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

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[249] Document S/2009/324, incorporated in the record of the 6151st meeting.

WOMEN AND PEACE AND SECURITY[250]

Decisions

At its 6005th meeting, on 29 October 2008, the Security Council decided to invite the representatives of Afghanistan, Argentina, Australia, Austria, Bangladesh, Belarus (Deputy Head of the Administration of the President), Canada, Chile, Colombia, the Congo, Denmark, Finland, Germany, Ghana, Iceland, Ireland, Israel, Japan, Kazakhstan, Kenya, Liechtenstein, Mexico, Morocco, Myanmar, Norway, the Philippines, Portugal, the Republic of Korea, Rwanda, Swaziland, Sweden, Switzerland, Tonga, Uganda and the United Arab Emirates to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Women and peace and security

> "Report of the Secretary-General on women and peace and security (S/2008/622)
>
> "Letter dated 15 October 2008 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (S/2008/655)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Ms. Rachel Mayanja, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Inés Alberdi, Executive Director of the United Nations Development Fund for Women.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Sarah Taylor, Coordinator of the NGO Working Group on Women, Peace and Security.

At the same meeting, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mrs. Lila Ratsifandrihamanana, Permanent Observer of the African Union to the United Nations, in response to the request dated 29 October 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Council.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[251]

> "The Security Council reaffirms its commitment to the full and effective implementation of its resolutions 1325 (2000) and 1820 (2008) on women and peace and security and recalls the relevant statements by its President.
>
> "The Council takes note of the report of the Secretary-General on women and peace and security.[252]
>
> "The Council remains concerned about the underrepresentation of women at all stages of peace processes and in peacebuilding, and recognizes the need to facilitate the full and effective participation of women in these areas, given the vital role of women in the prevention and resolution of conflicts and in peacebuilding.
>
> "The Council urges Member States and international, regional and subregional organizations to take measures to increase the participation of women in conflict prevention,

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[250] Resolutions or decisions on this question were first adopted by the Security Council in 2000.

[251] S/PRST/2008/39.

[252] S/2008/622.

conflict resolution and peacebuilding and to strengthen the role of women as decision-makers in these areas. The Council calls upon the Secretary-General to appoint more women to pursue good offices on his behalf, particularly as Special Representatives and Special Envoys.

"The Council strongly condemns all violations of international law committed against women and girls during and after armed conflicts, urges the complete cessation by all parties of such acts with immediate effect, and also urges Member States to bring to justice those responsible for crimes of this nature.

"The Council requests the Secretary-General to provide a report on the implementation of resolution 1325 (2000) over the coming year, including information on the impact of armed conflict on women and girls in situations of which the Council is seized; and on the obstacles and challenges to strengthening the participation of women in conflict prevention, conflict resolution and peacebuilding, and recommendations to address those issues, to be submitted to the Council by October 2009."

BRIEFING BY THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE[253]

Decision

At its 6002nd meeting, held in private on 28 October 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"At its 6002nd meeting, held in private on 28 October 2008, the Security Council considered the item entitled 'Briefing by the President of the International Court of Justice'.

"In accordance with the understanding reached in the Council's prior consultations, the President extended an invitation under rule [illegible] of the provisional rules of procedure of the Council to Judge Rosalyn Higgins, President of the International Court of Justice.

"The members of the Council heard a briefing by Judge Higgins."

BRIEFING BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES[253]

Decisions

At its 6062nd meeting, on 8 January 2009, the Security Council considered the item entitled "Briefing by the United Nations High Commissioner for Refugees".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. António Guterres, United Nations High Commissioner for Refugees.

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[253] Resolutions or decisions on this question were first adopted by the Security Council in 2000.

BRIEFING BY THE CHAIRPERSON-IN-OFFICE OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE[254]

Decisions

At its 5982nd meeting, on 26 September 2008, the Security Council considered the item entitled:

> "Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe
>
> > "Letter dated 4 September 2008 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council (S/2008/594)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alexander Stubb, Chairperson-in-Office of the Organization for Security and Cooperation in Europe and Minister for Foreign Affairs of Finland.

At its 6088th meeting, on 27 February 2009, the Council considered the item entitled "Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Dora Bakoyannis, Chairperson-in-Office of the Organization for Security and Cooperation in Europe and Minister for Foreign Affairs of Greece.

MEETING OF THE SECURITY COUNCIL WITH THE TROOP-CONTRIBUTING COUNTRIES PURSUANT TO RESOLUTION 1353 (2001), ANNEX II, SECTIONS A AND B[254]

A. United Nations Peacekeeping Force in Cyprus

Decisions

At its 6032nd meeting, held in private on 5 December 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 5 December 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6032nd meeting, in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Tayé-Brook Zerihoun, Special Representative of the Secretary-General for Cyprus and Head of the United Nations Peacekeeping Force in Cyprus.
>
> "Members of the Council, Mr. Zerihoun and representatives of participating troop-contributing countries had an exchange of views."

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[254] Resolutions or decisions on this question were first adopted by the Security Council in 2001.

At its 6126th meeting, held in private on 22 May 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 22 May 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001), held its 6126th meeting, in private with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Tayé-Brook Zerihoun, Special Representative of the Secretary-General for Cyprus and Head of the United Nations Peacekeeping Force in Cyprus."

B. United Nations Disengagement Observer Force

Decisions

At its 6035th meeting, held in private on 10 December 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 10 December 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6035th meeting, in private with the troop-contributing countries to the United Nations Disengagement Observer Force.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.
>
> "Members of the Council, Mr. Weisbrod-Weber and representatives of participating troop-contributing countries had an exchange of views."

At its 6146th meeting, held in private on 19 June 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 19 June 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001), held its 6146th meeting, in private with the troop-contributing countries to the United Nations Disengagement Observer Force.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.
>
> "Members of the Council, Mr. Weisbrod-Weber and representatives of participating troop-contributing countries had an exchange of views."

C. United Nations Interim Force in Lebanon

Decision

At its 5965th meeting, held in private on 25 August 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 25 August 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 5965th meeting, in private with the troop-contributing countries to the United Nations Interim Force in Lebanon.

> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.
>
> "Members of the Council, Mr. Weisbrod-Weber and representatives of participating troop-contributing countries had an exchange of views."

D. United Nations Mission for the Referendum in Western Sahara

Decision

At its 6109th meeting, held in private on 22 April 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 22 April 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6109th meeting, in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Wolfgang Weisbrod-Weber, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations of the Secretariat.
>
> "Members of the Council, Mr. Weisbrod-Weber and representatives of participating troop-contributing countries had an exchange of views."

E. United Nations Observer Mission in Georgia/The situation in Georgia

Decisions

At its 5991st meeting, held in private on 9 October 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 9 October 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 5991st meeting, in private with the troop-contributing countries to the United Nations Observer Mission in Georgia.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.
>
> "Members of the Council, Mr. Mulet and representatives of participating troop-contributing countries had an exchange of views."

At its 6081st meeting, held in private on 10 February 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 10 February 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001), held its 6081st meeting, in private with the troop-contributing countries.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Johan Verbeke, Special Representative of the Secretary-General for Georgia.

"Members of the Council, Mr. Verbeke and representatives of participating troop-contributing countries had an exchange of views."

At its 6140th meeting, held in private on 12 June 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"On 12 June 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001), held its 6140th meeting, in private with the troop-contributing countries to the United Nations mission mandated by resolution 1866 (2009).

"The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

"Members of the Council, Mr. Mulet and representatives of participating troop-contributing countries had an exchange of views."

F. United Nations Organization Mission in the Democratic Republic of the Congo

Decision

At its 6023rd meeting, held in private on 26 November 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"On 26 November 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6023rd meeting, in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo.

"The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Alan Doss, Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Mission in the Democratic Republic of the Congo.

"Members of the Council, Mr. Doss and representatives of participating troop-contributing countries had an exchange of views."

G. United Nations Mission in Liberia

Decision

At its 5972nd meeting, held in private on 9 September 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"On 9 September 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 5972nd meeting, in private with the troop-contributing countries to the United Nations Mission in Liberia.

"The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Ms. Ellen Margrethe Løj, Special Representative of the Secretary-General for Liberia and Head of the United Nations Mission in Liberia.

"Members of the Council, Ms. Løj and representatives of participating troop-contributing countries had an exchange of views."

H. United Nations Operation in Côte d'Ivoire

Decisions

At its 6070th meeting, held in private on 21 January 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 21 January 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6070th meeting, in private with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.
>
> "Members of the Council, Mr. Choi and representatives of participating troop-contributing countries had an exchange of views."

At its 6166th meeting, held in private on 23 July 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 23 July 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001), held its 6166th meeting, in private with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.
>
> "Members of the Council, Mr. Choi and representatives of participating troop-contributing countries had an exchange of views."

I. United Nations Stabilization Mission in Haiti

Decision

At its 5989th meeting, held in private on 8 October 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 8 October 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 5989th meeting, in private with the troop-contributing countries to the United Nations Stabilization Mission in Haiti.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Hédi Annabi, Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti.
>
> "Members of the Council, Mr. Annabi and representatives of participating troop-contributing countries had an exchange of views."

J. United Nations Mission in the Sudan

Decision

At its 6110th meeting, held in private on 23 April 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 23 April 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6110th meeting, in private with the troop-contributing countries to the United Nations Mission in the Sudan.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Ashraf Jehangir Qazi, Special Representative of the Secretary-General for the Sudan and Head of the United Nations Mission in the Sudan.
>
> "Members of the Council, Mr. Qazi and representatives of participating troop-contributing countries had an exchange of views."

K. United Nations Integrated Mission in Timor-Leste

Decision

At its 6129th meeting, held in private on 27 May 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 27 May 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6129th meeting, in private with the troop-contributing countries to the United Nations Integrated Mission in Timor-Leste.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Takahisa Kawakami, Deputy Special Representative of the Secretary-General to the United Nations Integrated Mission in Timor-Leste.
>
> "Members of the Council, Mr. Kawakami and representatives of participating troop-contributing countries had an exchange of views."

L. African Union-United Nations Hybrid Operation in Darfur

Decision

At its 6169th meeting, held in private on 24 July 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 24 July 2009, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 6169th meeting, in private with the troop-contributing countries to the African Union-United Nations Hybrid Operation in Darfur.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations.
>
> "Members of the Council, Mr. Le Roy and representatives of participating troop-contributing countries had an exchange of views."

M. United Nations Mission in the Central African Republic and Chad

Decision

At its 5975th meeting, held in private on 19 September 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "On 19 September 2008, the Security Council, pursuant to sections A and B of annex II to resolution 1353 (2001) of 13 June 2001, held its 5975th meeting, in private with the troop-contributing countries to the United Nations Mission in the Central African Republic and Chad.
>
> "The Council and the troop-contributing countries heard a briefing under rule 39 of the provisional rules of procedure of the Council by Mr. José Victor da Silva Ângelo, Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the United Nations Mission in the Central African Republic and Chad.
>
> "The Council and the troop-contributing countries also heard briefings under rule 39 of its provisional rules of procedure by Ms. Ann-Marie Orler, Deputy Police Adviser in the Department of Peacekeeping Operations of the Secretariat; Colonel Ian Sinclair, Chief of Staff of the Office of Military Affairs of the Department of Peacekeeping Operations; Lieutenant Colonel Adrian Garside of the Office of Military Affairs of the Department of Peacekeeping Operations; and Mr. Badri Poudel, Senior Support Officer in the Department of Peacekeeping Operations.
>
> "Members of the Council, Mr. Ângelo, Ms. Orler, Colonel Sinclair, Lieutenant Colonel Garside, Mr. Poudel and representatives of participating troop-contributing countries had an exchange of views."

THREATS TO INTERNATIONAL PEACE AND SECURITY CAUSED BY TERRORIST ACTS[254]

Decisions

At its 5962nd meeting, on 19 August 2008, the Security Council decided to invite the representative of Algeria to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[255]

> "The Security Council condemns in the strongest terms the suicide terrorist attack that occurred in Les Issers, Algeria, on 19 August 2008, causing numerous deaths and injuries at a gendarmerie training academy. It expresses its deep sympathy and condolences to the victims of this heinous act of terrorism and to their families, and to the people and Government of Algeria.
>
> "The Council underlines the need to bring the perpetrators, organizers, financers and sponsors of this reprehensible act of terrorism to justice, and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 1624 (2005), to cooperate actively with the Algerian authorities in this regard.

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[255] S/PRST/2008/31.

> "The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.
>
> "The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.
>
> "The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter."

At its 5964th meeting, on 21 August 2008, the Council decided to invite the representative of Pakistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[256]

> "The Council condemns in the strongest terms the twin suicide terrorist attacks that occurred in Wah Cantt, Pakistan, on 21 August 2008, causing numerous deaths and injuries. It expresses its deep sympathies and condolences to the victims of these heinous acts of terrorism and to their families, and to the people and Government of Pakistan.
>
> "The Council underlines the need to bring the perpetrators, organizers, financers and sponsors of these reprehensible acts of terrorism to justice, and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 1624 (2005), to cooperate actively with the Pakistani authorities in this regard.
>
> "The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.
>
> "The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.
>
> "The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter."

At its 5978th meeting, on 22 September 2008, the Council considered the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[257]

> "The Security Council condemns in the strongest terms the terrorist attack that occurred in Islamabad on 20 September 2008, causing numerous deaths and injuries, including among foreign diplomats. It expresses its deep sympathy and condolences to the

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[256] S/PRST/2008/32.

[257] S/PRST/2008/35.

victims of this heinous act of terrorism and to their families, and to the people and Government of Pakistan.

"The Council underlines the need to bring the perpetrators, organizers, financers and sponsors of this reprehensible act of terrorism to justice, and urges all States, in accordance with their obligations under international law and resolution 1373 (2001) and consistent with resolution 1624 (2005), to cooperate actively with the Pakistani authorities in this regard.

"The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

"The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

"The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter."

On 17 November 2008, the President of the Security Council addressed the following letter to the Secretary-General:[258]

"I have the honour to inform you that your letter dated 13 November 2008 concerning the Counter-Terrorism Committee Executive Directorate, established pursuant to Security Council resolution 1535 (2004), and your intention to extend for a further year, until 31 December 2009, the appointment of Mr. Mike Smith, of Australia, as Executive Director of the Directorate[259] has been brought to the attention of the members of the Council. They approve the recommended extension."

At its 6034th meeting, on 9 December 2008, the Council decided to invite the representatives of Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Bosnia and Herzegovina (Minister for Foreign Affairs), Brazil, Canada, Colombia, Cuba, Ecuador, India (Minister of State for External Affairs), Iran (Islamic Republic of), Israel, Japan, Jordan, Kazakhstan, Liechtenstein, Malaysia, Mexico, Morocco, New Zealand, Pakistan, the Philippines, the Republic of Korea, Singapore, Spain, Sri Lanka, the Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Threats to international peace and security caused by terrorist acts

"Letter dated 26 November 2008 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General (S/2008/738)".[260]

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[261]

"The Security Council, underlining that peace and security in the world are indivisible and taking into account the interconnection and interdependence of the world, reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed. It further reaffirms its determination to combat threats to international peace and security caused by acts of terrorism by all possible means in accordance with the Charter of the United Nations.

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[258] S/2008/712.

[259] S/2008/711.

[260] Norway submitted a request to be invited to participate, which it subsequently withdrew.

[261] S/PRST/2008/45.

"The Council welcomes recent statements by intergovernmental organizations condemning all forms of terrorism, including suicide bombing and hostage-taking, which build upon the universal condemnation by the international community of unlawful acts of terrorism, including against civilians, that cannot be justified or excused under any circumstances or pursuant to any political, philosophical, ideological, racial, ethnic, religious or other consideration, and reaffirms the need for Member States to work together urgently to prevent and suppress such acts.

"The Council emphasizes the central role of the United Nations in the global struggle against terrorism.

"The Council reaffirms the importance of all its resolutions and statements on terrorism, in particular resolutions 1373 (2001) and 1624 (2005), and stresses the need for their full implementation.

"The Council renews its call upon States to become parties as soon as possible to all relevant international conventions and protocols relating to terrorism and to implement those to which they are party.

"The Council believes that terrorist safe havens continue to be a significant concern and reaffirms the need for States to strengthen cooperation in order to find, deny safe haven to and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens.

"The Council reaffirms the importance of the work of the committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and continues its support and guidance to the committees.

"The Council particularly expresses its support for, and commitment to contributing to the implementation of, the United Nations Global Counter-Terrorism Strategy of 8 September 2006[262] and welcomes the adoption by the General Assembly of resolution 62/272 of 5 September 2008, in which it reaffirmed the Strategy and its four pillars and called for its implementation in an integrated manner and in all its aspects.

"The Council emphasizes that enhancing dialogue and broadening understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation, which by itself is necessary to sustain the broadest possible fight against terrorism.

"The Council condemns in the strongest terms the incitement of terrorist acts and repudiates attempts at the justification or glorification of terrorist acts that may incite further terrorist acts. It reaffirms the importance of countering radicalization and extremism that may lead to terrorism and preventing the exploitation of young people by violent extremists.

"The Council, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to an effective counter-terrorism strategy and that effective counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing, reminds States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

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[262] General Assembly resolution 60/288.

"The Council emphasizes the importance of technical assistance aimed at increasing the capabilities of Member States in the fight against terrorism by addressing their counter-terrorism needs.

"The Council believes that the strengthening of mutual trust among States Members of the United Nations will facilitate the creation of conditions for a successful fight against terrorism, and that success in that fight will positively reinforce peace and security in the world.

"The Council, deeply concerned at the continuous terrorist attacks around the world, calls upon all States Members of the United Nations to renew the degree of solidarity manifested immediately after the tragic event of 11 September 2001, and to redouble efforts to tackle global terrorism, dedicating significant attention to bringing to justice the perpetrators, facilitators and masterminds of terrorist acts while expressing deep compassion with all victims of terrorism.

"The Council will continue to follow developments in order to organize as efficiently as possible its efforts in combating terrorism."

At its 6164th meeting, on 17 July 2009, the Council decided to invite the representative of Indonesia to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Threats to international peace and security caused by terrorist acts".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[263]

"The Security Council condemns in the strongest terms the terrorist attacks that occurred in Jakarta on 17 July 2009, causing numerous deaths and injuries. It expresses its deep sympathy and condolences to the victims of these heinous acts of terrorism and to their families, and to the people and Government of Indonesia.

"The Council underlines the need to bring the perpetrators, organizers, financers and sponsors of these reprehensible acts of terrorism to justice, and affirms its confidence in the Government of Indonesia, and urges all States, in accordance with their obligations under international law and relevant Council resolutions, to cooperate actively with the Indonesian authorities in this regard.

"The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

"The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure that measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

"The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter."

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[263] S/PRST/2009/22.

BRIEFINGS BY CHAIRMEN OF SUBSIDIARY BODIES OF THE SECURITY COUNCIL[264]

Decisions

At its 6015th meeting, on 12 November 2008, the Security Council decided to invite the representatives of Australia, Cuba, Israel, Japan, Switzerland and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Briefings by Chairmen of subsidiary bodies of the Security Council".

At its 6043rd meeting, on 15 December 2008, the Council considered the item discussed at the 6015th meeting.

At its 6128th meeting, on 26 May 2009, the Council decided to invite the representatives of Argentina, Australia, Brazil, Cuba, the Czech Republic, Israel, Liechtenstein, Morocco, New Zealand, Norway, Pakistan, Qatar, Switzerland, the Syrian Arab Republic and Venezuela (Bolivarian Republic of) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Briefings by Chairmen of subsidiary bodies of the Security Council".

THE SITUATION IN CÔTE D'IVOIRE[264]

Decisions

At its 6001st meeting, on 27 October 2008, the Security Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

> "Eighteenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2008/645)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.

At its 6004th meeting, on 29 October 2008, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

> "Letter dated 8 October 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2008/598)".

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[264] Resolutions or decisions on this question were first adopted by the Security Council in 2002.

Resolution 1842 (2008)
of 29 October 2008

The Security Council,

Recalling its previous resolutions and the statements by its President relating to the situation in Côte d'Ivoire, in particular resolutions 1782 (2007) of 29 October 2007 and 1826 (2008) of 29 July 2008,

Reaffirming its strong commitment to respect for the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the report of the Secretary-General of 13 October 2008[265] and the reports of the Group of Experts on Côte d'Ivoire transmitted on 9 April[266] and 8 October 2008,[267]

Emphasizing the continued contribution to Côte d'Ivoire's stability, in particular in the context of the forthcoming presidential elections, of the measures imposed by resolutions 1572 (2004) of 15 November 2004 and 1643 (2005) of 15 December 2005,

Recalling that in its resolution 1782 (2007), it welcomed the initial measures to implement the Ouagadougou Political Agreement,[268] and recalling also that in its resolution 1826 (2008), it encouraged, in particular, the Ivorian parties to remove the remaining logistical obstacles that impeded the identification of the population and the registration of voters,

Welcoming, in this regard, the official launching of the identification and voter registration operations on 15 September 2008, and urging the Ivorian parties to take all the necessary steps to complete these operations,

Noting again with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1612 (2005) of 26 July 2005 on children and armed conflict and its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict,

Recalling that the Security Council Committee established pursuant to paragraph 14 of resolution 1572 (2004) ("the Committee") will consider and decide upon requests for the exemptions set out in paragraphs 8, 10 and 12 of resolution 1572 (2004) which are submitted in accordance with the guidelines adopted by the Committee, and expressing the availability of the Committee and of the Group of Experts to give technical explanations as may be needed,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 31 October 2009 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

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[265] S/2008/645.

[266] See S/2008/235, annex.

[267] See S/2008/598, annex.

[268] S/2007/144, annex.

2. *Decides also* to review the measures renewed in paragraph 1 above in the light of the progress achieved in the implementation of the key steps of the peace process and of the progress of the electoral process, as referred to in resolution 1826 (2008), by the end of the period mentioned in paragraph 1 above, and decides further to carry out during the period mentioned in paragraph 1 above:

(*a*) A review of the measures renewed in paragraph 1 above no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards; or

(*b*) A midterm review no later than 30 April 2009 if no review has been scheduled on the basis of paragraph 2 (*a*) of the present resolution at that date;

3. *Calls upon* the Ivorian parties to the Ouagadougou Political Agreement[268] and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including, as appropriate, by making the necessary rules and regulations, and calls also upon the United Nations Operation in Côte d'Ivoire and the French forces supporting it to bring their full support, in particular, to the implementation of the measures on arms renewed in paragraph 1 above, within their capacities and respective mandates, as determined in resolution 1739 (2007) of 10 January 2007 and renewed in resolution 1826 (2008);

4. *Reiterates its demand*, in particular, that the Ivorian authorities take the necessary measures to put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004), including those violations mentioned by the Group of Experts on Côte d'Ivoire in its reports of 21 September 2007[269] and 8 October 2008;[267]

5. *Also reiterates its demand* that the Ivorian parties to the Ouagadougou Political Agreement, in particular the Ivorian authorities, provide unhindered access, particularly to the Group of Experts established pursuant to paragraph 9 of resolution 1643 (2005), to equipment, sites and installations referred to in paragraph 2 (*a*) of resolution 1584 (2005) of 1 February 2005, when appropriate without notice and including those under the control of Republican Guard units, and to the United Nations Operation in Côte d'Ivoire and the French forces supporting it in order to enable them to carry out their respective mandates as set out in paragraphs 2 and 8 of resolution 1739 (2007) and renewed in resolution 1826 (2008);

6. *Decides* that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

7. *Decides also* that any serious obstacle to the freedom of movement of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it, or any attack or obstruction of the action of the United Nations Operation in Côte d'Ivoire, of the French forces, of the Special Representative of the Secretary-General for Côte d'Ivoire, of the Facilitator mentioned in paragraph 10 of resolution 1765 (2007) of 16 July 2007 or his Special Representative in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

8. *Requests* the Secretary-General and the Government of France to report to the Security Council immediately, through the Committee, any serious obstacle to the freedom of movement of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it, including the names of those responsible, and requests the Secretary-General and the Facilitator to report to the

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[269] See S/2007/611, annex.

Council immediately, through the Committee, any attack or obstruction of their action or the action of the Special Representatives mentioned in paragraph 7 above;

9. *Requests* all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and authorizes the Committee to request whatever further information it may consider necessary;

10. *Decides* to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) of 15 December 2006 until 31 October 2009, and requests the Secretary-General to take the necessary administrative measures;

11. *Requests* the Group of Experts to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Council, through the Committee, fifteen days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard;

12. *Requests* the Secretary-General to communicate, as appropriate, to the Council, through the Committee, information gathered by the United Nations Operation in Côte d'Ivoire and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

13. *Requests* the Government of France to communicate, as appropriate, to the Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

14. *Requests* the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds;

15. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d'Ivoire and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above;

16. *Underlines* that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(*a*) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(*b*) Attacking or obstructing the action of the United Nations Operation in Côte d'Ivoire, of the French forces supporting it, of the Special Representative of the Secretary-General, of the Facilitator or of his Special Representative in Côte d'Ivoire;

(*c*) Responsible for obstacles to the freedom of movement of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it;

(*d*) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;

(*e*) Publicly inciting hatred and violence;

(*f*) Acting in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

17. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6004th meeting.

Decisions

At its 6014th meeting, on 7 November 2008, the Security Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Côte d'Ivoire".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[270]

> "The Security Council notes that, as mentioned in the report of the Secretary-General of 13 October 2008,[265] the peace process has crossed a critical milestone with the launching of the identification and voter registration operations on 15 September 2008. However, it also notes that the delays that have occurred since the launch of the identification and voter registration processes on 15 September 2008 have proven greater than expected. It notes that the Special Representative of the Secretary-General for Côte d'Ivoire indicated on 27 October 2008 that, if the elections scheduled for 30 November 2008 were delayed, they were likely to be delayed by several months, due mainly to logistical difficulties. The Council expresses its deep concern about a possible third consecutive delay since the signing of the Ouagadougou Political Agreement,[268] which could put the entire Ivorian peace process at risk.
>
> "The Council commends the Facilitator for convening a meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement on 10 November 2008, in order for the Ivorian political actors to address all the main difficulties of the electoral process, and, in particular, with a view to finding an agreement on the new electoral time frame. It urges all the Ivorian political actors to cooperate fully with the Facilitator, with the support of the Special Representative of the Secretary-General, and to demonstrate their political determination to fulfil the commitments made in the Ouagadougou Political Agreement and within the framework of its follow-up mechanisms.
>
> "The Council further urges, to this end, the President of the Independent Electoral Commission, which is in charge of the organization of the elections, to share publicly this new timeline, including, in particular, the full roll-out of the identification process and certain other stages, such as the publication of the provisional and final versions of the electoral list, the production and distribution of identity and voter cards and the date of the presidential elections. It emphasizes that all political actors must pay particular attention to the accumulating logistical delay.
>
> "The Council urges the Ivorian parties to take immediately and as a priority the concrete steps necessary to complete the identification and voter registration operations in a credible and transparent manner before the end of January 2009. It expresses its determination to bring its full support to a credible electoral process in Côte d'Ivoire, on the understanding that the presidential elections will be organized before the end of spring 2009. The Council recalls that all political parties agreed to abide by the Code of Good Conduct for Elections that they signed under the auspices of the Secretary-General on 24 April 2008.
>
> "The Council recalls that, pursuant to resolutions 1572 (2004) and 1842 (2008), any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process and it reaffirms its determination to impose targeted measures against any person designated by its sanctions committee concerning Côte d'Ivoire as being responsible for these threats. The Council expresses its willingness to review the sanctions regime at the latest three months after the presidential elections.

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[270] S/PRST/2008/42.

"The Council requests the Secretary-General to keep it informed of the evolution of the situation. It reaffirms its full support for the efforts of the Special Representative of the Secretary-General and his certification mandate, including the explicit certification of the electoral list. It expresses its intention to take the progress of the electoral process fully into consideration when it reviews the mandate of the United Nations Operation in Côte d'Ivoire and the French forces supporting it, before 31 January 2009."

At its 6071st meeting, on 21 January 2009, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

"Nineteenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/21)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.

At its 6076th meeting, on 27 January 2009, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

"Nineteenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/21)".

Resolution 1865 (2009)
of 27 January 2009

The Security Council,

Recalling its previous resolutions, in particular resolutions 1739 (2007) of 10 January 2007, 1765 (2007) of 16 July 2007, 1795 (2008) of 15 January 2008, 1826 (2008) of 29 July 2008 and 1842 (2008) of 29 October 2008 relating to the situation in Côte d'Ivoire, and resolution 1836 (2008) of 29 September 2008 on the situation in Liberia,

Recalling also the statements by its President relating to the situation in Côte d'Ivoire and in particular that, in the statement of 7 November 2008,[270] it noted that the delays that had occurred since the launch of the identification and voter registration processes had proven greater than expected and expressed its deep concern about a possible third consecutive delay of the presidential elections since the signing of the Ouagadougou Political Agreement,[268]

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Ouagadougou Political Agreement, signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007, and the first three supplementary agreements, as recommended by the African Union,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the follow-up mechanisms of the Ouagadougou Political Agreement, commending and encouraging the continued efforts of the African Union and the Economic Community of West African States to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them, *Stressing again* the importance of the international consultative organ participating in the meetings of the Evaluation and Monitoring Committee, as an observer,

Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and expressing its intention to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

Having taken note of the report of the Secretary-General of 8 January 2009,[271]

Recalling its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict, and condemning all violations of international humanitarian law,

Noting with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of cases of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Recalling its resolution 1612 (2005) of 26 July 2005 on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict in Côte d'Ivoire,[272] and expressing its deep concern that children continue to suffer from various forms of violence,

Recalling also its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, condemning any sexual violence, stressing again the importance of the equal participation and full involvement of women in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and encouraging the Secretary-General to mainstream a gender perspective in the implementation of the mandate of the United Nations Operation in Côte d'Ivoire,

Emphasizing the importance of the continuing support of the United Nations system and the international community for strengthening the capacity of the Government of Côte d'Ivoire and of the electoral bodies to organize the electoral process,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Supporting the Ouagadougou political process

1. *Welcomes* the progress of the operations of identification of the population and of registration of voters, and calls upon the Ivorian parties to continue to take immediately and as a priority the concrete steps necessary to complete these operations before the end of February 2009;

2. *Notes with deep concern* that the presidential elections scheduled for 30 November 2008 have been postponed, pursuant to the communiqué of 10 November 2008 of the Permanent Consultative Framework established by the Ouagadougou Political Agreement;[273]

3. *Urges* the Ivorian political actors to find without delay an agreement on a new and realistic time frame leading quickly to free, open, fair and transparent elections, recalls that this time frame should elaborate some key stages, such as the publication of the provisional and final versions of the electoral list, the production and distribution of identity and voter cards and the

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[271] S/2009/21.

[272] S/AC.51/2008/5 and Corr.1.

[273] S/2008/694, annex.

date of the presidential elections, and again urges the President of the Independent Electoral Commission to share publicly such a timeline, as requested in the statement by the President of the Security Council of 7 November 2008[270] and pursuant to the communiqué of the Permanent Consultative Framework mentioned in paragraph 2 above;

4. *Expresses its intention*, in this regard, to examine as soon as possible the new time frame referred to in paragraph 3 above, which will bind the Ivorian political actors and reflect their level of political commitment towards free, open, fair and transparent elections, and reiterates its determination to bring its full support to a credible electoral process in Côte d'Ivoire;

5. *Encourages* the Government of Cote d'Ivoire to make available to the Ivorian institutions involved in the electoral process the necessary resources, and encourages the international community to continue their support to the electoral process, including by providing, with the agreement of the Ivorian authorities, electoral observation capacity and related technical assistance;

6. *Welcomes* the signing on 22 December 2008 by President Laurent Gbagbo and Mr. Guillaume Soro, under the facilitation of President Blaise Compaoré of Burkina Faso, of the fourth supplementary agreement to the Ouagadougou Political Agreement;[274]

7. *Takes note* of the delays that have occurred in the implementation of the fourth supplementary agreement referred to in paragraph 6 above, and urges the Ivorian parties, pursuant to this agreement, to make progress, including in order to create a secure environment for the holding of elections, in the disarmament and dismantling of militias, the cantonment and disarmament, demobilization and reintegration programme, the unification and restructuring of the defence and security forces and the restoration of State authority throughout the country;

8. *Urges* the Ivorian parties to implement the processes mentioned in paragraph 7 above in accordance with internationally agreed standards, and calls upon the international donors to continue to provide their support to them, as appropriate;

9. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution 1842 (2008), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement,[268] shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution 1572 (2004) of 15 November 2004;

10. *Again urges* the political parties to comply fully with the Code of Good Conduct for Elections which they signed under the auspices of the Secretary-General, and, in particular, urges the Ivorian authorities to allow equitable access to public media;

11. *Calls upon* all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as in the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children, and that all reported abuses are investigated and those responsible brought to justice;

12. *Calls upon* all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence;

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[274] S/2008/834, annex I.

13. *Stresses* the importance of an inclusive participation of Ivorian civil society in the electoral process of ensuring equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and, in particular, of removing obstacles and challenges to women's participation and full involvement in public life;

14. *Urges* the signatories to the Ouagadougou Political Agreement to take the steps necessary to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international humanitarian law;

Renewing the mandates of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it

15. *Decides* to renew the mandates of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it, as determined in resolution 1739 (2007), until 31 July 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections;

16. *Endorses* the recommendations contained in paragraphs 46 and 61 of the report of the Secretary-General of 8 January 2009,[271] and decides to reduce the level of authorized military personnel from 8,115 to 7,450;

17. *Requests* the United Nations Operation in Côte d'Ivoire, within its existing resources, to support actively the full implementation of the Ouagadougou Political Agreement and its supplementary agreements, including the fourth supplementary agreement, and, in particular, to continue to contribute to bringing the security needed by the peace process, including by supporting the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and by the electoral process, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections;

18. *Endorses*, to this end, taking into consideration the progress achieved by the Ivorian parties in the implementation of the peace process and of the electoral process, as well as the remaining challenges, the recommendations on the posture and configuration of the United Nations Operation in Côte d'Ivoire contained in paragraphs 48 to 54 and in paragraph 61 of the report of the Secretary-General of 8 January 2009;

19. *Also endorses* the benchmarks proposed by the Secretary-General in paragraph 47 of his report of 8 January 2009 for a possible further drawdown, requests the Secretary-General to monitor progress on their achievement, encourages him to continue to refine and update these benchmarks and to report to the Council, and expresses its intention to review these benchmarks before 31 July 2009;

20. *Reiterates its full support* for the efforts of the Special Representative of the Secretary-General for Côte d'Ivoire, recalls that he shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, requests the United Nations Operation in Côte d'Ivoire to continue to sensitize actively the Ivorian population to this certification role, and reaffirms its support to the five-criteria framework elaborated by the Special Representative and referred to in the report of the Secretary-General of 15 April 2008;[275]

21. *Recalls* that the publication of the electoral list is a crucial step in the electoral process, calls upon the Independent Electoral Commission, the technical operators, the authorities of Côte d'Ivoire and the political parties to redouble their efforts in this regard, and requests the Special Representative of the Secretary-General to certify it explicitly;

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[275] S/2008/250.

22. *Commends* the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and requests the United Nations Operation in Côte d'Ivoire to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement;

23. *Reaffirms its intention*, as expressed in resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire on a temporary basis and in accordance with the provisions of resolution 1609 (2005) of 24 June 2005, as recommended by the Secretary-General in paragraphs 52 and 62 of his report of 8 January 2009;

24. *Underscores* the importance of the military concept of operations and rules of engagement being regularly updated and fully in line with the provisions of the present resolution, in particular paragraphs 16 and 18 above, and requests the Secretary-General to report on them to the Council and troop-contributing countries;

25. *Requests* the United Nations Operation in Côte d'Ivoire to continue to contribute, pursuant to paragraph 2 (*k*) of resolution 1739 (2008), to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, and to continue to support the efforts that all parties should undertake pursuant to paragraph 12 above, and further requests the Secretary-General to continue to include in his reports to the Council relevant information on progress in this area;

26. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in the United Nations Operation in Côte d'Ivoire with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

27. *Also requests* the Secretary-General to keep the Council regularly informed, at least every three months, of the situation on the ground, including a specific update on the security situation, and of the preparation of the electoral process, including the process of establishment of the electoral list;

28. *Further requests* the Secretary-General to inform the Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 19 above;

29. *Expresses its intention* to review by 31 July 2009 the mandates of the United Nations Operation in Côte d'Ivoire and of the French forces supporting it, the level of troops of the United Nations Operation in Côte d'Ivoire and the benchmarks referred to in paragraph 19 above, in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and requests the Secretary-General to provide to the Council a report to this end, three weeks before that date;

30. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6076th meeting.

Decisions

At its 6113th meeting, on 28 April 2009, the Security Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

> "Twentieth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/196)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.

At its 6133rd meeting, on 29 May 2009, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Côte d'Ivoire".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[276]

"The Security Council welcomes the communiqué of 18 May 2009 of the Permanent Consultative Framework of the Ouagadougou Political Agreement,[277] which provides a comprehensive electoral time frame leading to the first round of the presidential elections in Côte d'Ivoire on 29 November 2009. It stresses that this time frame has been endorsed by all the main Ivorian political actors, as requested in the statement by the President of the Security Council of 7 November 2008[270] and in resolution 1865 (2009).

"The Council underlines the importance of the effective implementation of each of the five stages leading to the elections, as referred to in the report of the Secretary-General of 13 April 2009,[278] namely: (1) the publication of the provisional voters list at the end of voter registration operations, (2) the publication of the final voters list, (3) the production of identification and voter cards, (4) the distribution of identification and voter cards and (5) the electoral campaigning period.

"The Council, consistent with its resolution 1865 (2009), underlines that this time line binds the Ivorian political actors and that the way it will be implemented will reflect their level of political commitment towards the holding of free, fair, open and transparent elections in a secure environment. The Council urges the Ivorian political actors to meet their commitments in full and without further delay. It again urges the political actors in particular to comply fully with the Code of Good Conduct for Elections that they signed under the auspices of the Secretary-General on 24 April 2008.

"The Council reaffirms its full support for the Special Representative of the Secretary-General for Côte d'Ivoire and to the United Nations Operation in Côte d'Ivoire, and recalls that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of free, fair, open and transparent presidential and legislative elections in accordance with international standards, consistent with paragraph 20 of resolution 1865 (2009). It takes note of the request by the Ivorian parties that the Special Representative of the Secretary-General make known and explain to all Ivorian stakeholders the content and modus operandi of the five-criteria framework referred to in the report of the Secretary-General of 15 April 2008[275] and in resolution 1865 (2009).

"The Council reiterates its full support for the Facilitator, and calls upon the Ivorian political actors to continue to cooperate fully with him, in particular in this critical phase of the peace process.

"The Council expresses the hope that the announcement of the electoral time frame will give a new impetus to the implementation of the Ouagadougou Political Agreement[268] and its supplementary agreements. It takes note of the ceremony of transfer of authority held in Bouaké on 26 May 2009 as a positive development and again urges the Ivorian parties to continue to make progress.

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[276] S/PRST/2009/16.

[277] S/2009/257, annex.

[278] S/2009/196.

"The Council reiterates its determination to bring its full support to a credible electoral process in Côte d'Ivoire. To this end, it requests the Secretary-General to keep it closely and regularly informed of the progress made by the parties in the implementation of each of the key stages of the electoral time frame."

At its 6168th meeting, on 23 July 2009, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

> "Twenty-first progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/344)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Choi Young-Jin, Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire.

At its 6174th meeting, on 30 July 2009, the Council decided to invite the representative of Côte d'Ivoire to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Côte d'Ivoire

> "Twenty-first progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/344)".

Resolution 1880 (2009)
of 30 July 2009

The Security Council,

Recalling its previous resolutions, in particular resolutions 1528 (2004) of 27 February 2004, 1721 (2006) of 1 November 2006, 1739 (2007) of 10 January 2007, 1765 (2007) of 16 July 2007, 1795 (2008) of 15 January 2008, 1826 (2008) of 29 July 2008, 1842 (2008) of 29 October 2008 and 1865 (2009) of 27 January 2009, and the statements by its President relating to the situation in Côte d'Ivoire, and its resolution 1836 (2008) of 29 September 2008 on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou Political Agreement"),[268] and that it welcomed the four subsequent supplementary agreements,

Recalling in particular that, in resolution 1721 (2006), it notably endorsed the decision of the Peace and Security Council of the African Union on the mandate of the Head of State, and recalling further that in the statement by its President of 28 March 2007,[279] it endorsed the Ouagadougou Political Agreement, including chapter V thereof, on the institutional framework for implementation, and that the Agreement provided for a period of ten months for the holding of the presidential elections,

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[279] S/PRST/2007/8.

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his continued efforts to support the peace process in Côte d'Ivoire, in particular through the follow-up mechanisms of the Ouagadougou Political Agreement, commending and encouraging the continued efforts of the African Union and the Economic Community of West African States to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them,

Stressing again the importance of the international consultative organ participating in the meetings of the Evaluation and Monitoring Committee, as an observer,

Stressing the need for the Security Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Reiterating its strong condemnation of any attempt to destabilize the peace process by force, and expressing its intention to examine without delay the situation after any such attempt, on the basis of a report by the Secretary-General,

Having taken note of the report of the Secretary-General of 7 July 2009,[280]

Recalling its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict, noting with concern, in spite of the sustained improvement in the overall human rights situation, the persistence of human rights violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, and reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire,

Recalling also its resolution 1612 (2005) of 26 July 2005 on children and armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties to the armed conflict in Côte d'Ivoire,[272] and expressing its deep concern that children continue to suffer from various forms of violence,

Recalling further its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, condemning any sexual violence, stressing again the importance of the equal participation and full involvement of women in all efforts for the maintenance of peace and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and encouraging the Secretary-General to mainstream a gender perspective in the implementation of the mandate of the United Nations Operation in Côte d'Ivoire,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Supporting the Ouagadougou political process

1. *Recalls* that, in the statement by its President of 29 May 2009,[276] it welcomed the new electoral timeline endorsed in Ouagadougou by all the main Ivorian political actors and leading to the first round of the presidential elections on 29 November 2009, and underlines that the Ivorian political actors are bound to respect this timeline to demonstrate their political commitment towards the holding of free, fair, open and transparent elections;

2. *Reiterates its determination* to bring its full support to a credible electoral process for the presidential and legislative elections in Côte d'Ivoire, and expresses its conviction that any postponement of the presidential elections of 29 November 2009 would be inconsistent with a credible process and with the Ouagadougou Political Agreement[268] as endorsed by the Security Council;

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[280] S/2009/344.

3. *Welcomes* the successful completion of the registration of voters;

4. *Recalls* that, in its resolution 1865 (2009), it requested the President of the Independent Electoral Commission to share publicly the details of the time frame, and takes note of the dates he has provided for the five stages leading to the elections of 29 November 2009;

5. *Reiterates* that the publication of the electoral list is a crucial step in the electoral process, looks forward to the publication of the provisional voters list before the end of August 2009, and urges the Ivorian actors to meet their commitments in full and without delay;

6. *Expresses its determination* to follow closely the publication of the provisional and final electoral lists, encourages the Facilitator and the Special Representative of the Secretary-General for Côte d'Ivoire to inform it without delay of any difficulty that may put the electoral time frame at risk, expresses its intention to examine any such situation without delay, and requests the Special Representative of the Secretary-General to certify the voters list explicitly;

7. *Reiterates* that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, and reaffirms its full support to the Special Representative of the Secretary-General in his certification role;

8. *Stresses* that it will base its assessment of the electoral process on the certification that will be prepared by the Special Representative of the Secretary-General consistent with the five-criteria framework referred to in the report of the Secretary-General of 15 April 2008[275] and after inclusive contacts with all stakeholders in Côte d'Ivoire, including civil society;

9. *Stresses also* the importance of an inclusive participation of Ivorian civil society in the electoral process, of ensuring equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and, in particular, respect for freedom of opinion and expression, and of removing obstacles and challenges to women's participation and full involvement in public life;

10. *Urges* the Government of Côte d'Ivoire to provide the operators involved in the electoral process with the necessary support, and encourages the international community to continue their support to the electoral process, including by providing, with the agreement of the Ivorian authorities, electoral observation capacity and related technical assistance;

11. *Recalls* that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution 1842 (2008), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004) of 15 November 2004;

12. *Again urges* the political parties to comply fully with the Code of Good Conduct for Elections which they signed under the auspices of the Secretary-General, and, in particular, urges the Ivorian authorities to allow equitable access to public media;

13. *Takes note again* of the ceremony of transfer of authority, held in Bouaké on 26 May 2009, as a positive development, urges the Ivorian parties to make further progress to advance the reunification and disarmament processes, and encourages the international donors to continue to provide their support to them, as appropriate;

14. *Calls upon* all parties concerned to ensure that the protection of women and children is addressed in the implementation of the Ouagadougou Political Agreement as well as in the post-conflict reconstruction and recovery phases, including continued monitoring and reporting of the situation of women and children, and that all reported abuses are investigated and those responsible brought to justice;

15. *Calls upon* all Ivorian parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence, which could include enforcing appropriate military disciplinary measures, upholding the principle of command responsibility, and training troops on the categorical prohibition of all forms of sexual violence;

16. *Recalls* the recommendation of its Working Group on Children and Armed Conflict that a national action plan to address sexual violence in Côte d'Ivoire be adopted,[272] welcomes the steps taken so far and urges the Government of Côte d'Ivoire, with the support of the United Nations Operation in Côte d'Ivoire and other relevant actors, to finalize and implement it, welcomes also the programme of action, signed by the Forces nouvelles in January 2009, to combat sexual violence in the areas within their control, pursuant to the above-mentioned recommendations, as well as the communiqué issued by four militia groups indicating their willingness to combat sexual violence, and calls upon all relevant parties, with the continued support of the United Nations Operation in Côte d'Ivoire, to work together to implement their commitments;

17. *Urges* the signatories to the Ouagadougou Political Agreement to take the steps necessary to protect vulnerable civilian populations, including by guaranteeing the voluntary return, reinstallation, reintegration and security of displaced persons, including by addressing land tenure issues, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Agreement and their obligations under international law;

18. *Welcomes* the progress made in the identification process, which is key to the long-term stability of Côte d'Ivoire, and calls upon the Ivorian parties to continue the identification operations, including after the elections;

Renewing the mandate of the United Nations Operation in Côte d'Ivoire

19. *Decides* to renew the mandate of the United Nations Operation in Côte d'Ivoire, as determined in resolution 1739 (2007), until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral time frame referred to in paragraph 1 above;

20. *Requests* the United Nations Operation in Côte d'Ivoire, within its existing resources and mandate, to support actively the parties in the full implementation of the remaining tasks under the Ouagadougou Political Agreement and its supplementary agreements, in particular those that are essential to the holding of free, fair, open and transparent presidential elections on 29 November 2009, and to continue to support the disarmament, demobilization and reintegration programme and the disarmament and dismantling of militias, and to provide technical and logistical support to the Independent Electoral Commission for the preparation and the holding of the elections in a secure environment;

21. *Requests* the Secretary-General to continue to monitor progress in the achievement of the benchmarks referred to in annex I to his report of 7 July 2009,[280] encourages him to continue to refine and update them and to report to the Council, and expresses its intention to review these benchmarks in full before 15 October 2009, taking into account, in particular, the progress of the electoral process;

22. *Reiterates its full support* to the efforts of the Special Representative of the Secretary-General, and requests the United Nations Operation in Côte d'Ivoire to continue to actively sensitize the Ivorian population to his certification role;

23. *Commends* the Facilitator for continuing to support the process to settle the crisis in Côte d'Ivoire, and requests the United Nations Operation in Côte d'Ivoire to continue to assist him and his Special Representative in Abidjan in the conduct of the facilitation, including by helping the Facilitator, as appropriate and upon his request, to carry out his arbitration role according to the provisions of paragraph 8.1 of the Ouagadougou Political Agreement and paragraphs 8 and 9 of the third supplementary agreement;

24. *Reaffirms its intention*, as expressed in resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire on a temporary basis and in accordance with the provisions of resolution 1609 (2005) of 24 June 2005, as recommended by the Secretary-General in paragraph 25 of his report of 7 July 2009, and calls upon troop-contributing countries to support the efforts of the Secretary-General in that regard;

25. *Underscores* the importance of updating the military concept of operations and rules of engagement before 30 September 2009, and requests the Secretary-General to report thereon to the Council and troop-contributing countries;

26. *Requests* the United Nations Operation in Côte d'Ivoire to continue to contribute, pursuant to paragraph 2 (*k*) of resolution 1739 (2007), to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women, to monitor and help to investigate human rights violations with a view to ending impunity, and to continue to support the efforts that all parties should undertake pursuant to paragraphs 15 and 16 above, and further requests the Secretary-General to continue to include in his reports to the Council relevant information on progress in this area;

27. *Also requests* the United Nations Operation in Côte d'Ivoire, in this context, to also continue to contribute, pursuant to paragraph 2 (*m*) of resolution 1739 (2007), to assisting the Government of Côte d'Ivoire in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government on the restructuring of the internal security services, and in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire;

28. *Stresses* the need for the United Nations Operation in Côte d'Ivoire and humanitarian agencies to continue to work closely together, in relation to areas of tension and areas of return of displaced persons, and to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner;

29. *Requests* the Secretary-General to continue to take the measures necessary to ensure full compliance in the United Nations Operation in Côte d'Ivoire with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

30. *Decides* to extend until 31 January 2010 the authorization it provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities;

31. *Expresses its intention* to review the situation as well as, as appropriate, the mandate of the United Nations Operation in Côte d'Ivoire, subject to the progress of the electoral process and, in particular, to the establishment of the electoral list and in any case no later than 15 October 2009, requests the Secretary-General to inform the Council in early September 2009 of the publication of the provisional electoral list, and further requests the Secretary-General to provide to the Council a midterm report, by the end of September 2009, on the situation on the ground, including a specific update on the security situation, and on the preparation of the electoral process;

32. *Requests* the Secretary-General to inform the Council in his upcoming reports on the development of his strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks referred to in paragraph 21 above;

33. *Expresses its intention* to review by 31 January 2010 the mandate of the United Nations Operation in Côte d'Ivoire and the authorization provided to the French forces supporting it, the level of troops of the United Nations Operation in Côte d'Ivoire and the benchmarks referred to in paragraph 21 above, in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, and requests the Secretary-General to provide to the Council a report to this end, three weeks before that date;

34. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6174th meeting.

SECURITY COUNCIL MISSION[281]

Decisions

In a letter dated 14 November 2008, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Afghanistan.[282]

At its 6031st meeting, on 4 December 2008, the Council decided to invite the representative of Afghanistan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Security Council mission

"Briefing by the head of the Security Council mission to Afghanistan".

In a letter dated 10 March 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Haiti.[283]

At its 6093rd meeting, on 19 March 2009, the Council decided to invite the representative of Haiti to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Security Council mission

"Briefing by the Security Council mission to Haiti (11 to 14 March 2009)".

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[284]

At its 6131st meeting, on 28 May 2009, the Council considered the item entitled:

"Security Council mission

"Briefing by the Security Council mission to Africa (14 to 21 May 2009)".

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[281] Resolutions or decisions on this question were first adopted by the Security Council in 2003.

[282] The letter, which was issued as a Security Council document under the symbol S/2008/708, has been reproduced on page 112 of the present volume. The mission took place from 21 to 28 November 2008 (see S/2008/782).

[283] The letter, which was issued as a Security Council document under the symbol S/2009/139, has been reproduced on page 101 of the present volume. The mission took place from 11 to 14 March 2009 (see S/2009/175).

[284] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION[285]

Decision

At its 5955th meeting, on 18 August 2008, the Security Council considered the item entitled:

"Non-proliferation of weapons of mass destruction

> "Letter dated 8 July 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council (S/2008/493)".

REPORTS OF THE SECRETARY-GENERAL ON THE SUDAN[285]

Decisions

At its 5956th meeting, on 18 August 2008, the Security Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the Sudan (S/2008/485)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ashraf Jehangir Qazi, Special Representative of the Secretary-General for the Sudan and Head of the United Nations Mission in the Sudan.

At its 5996th meeting, on 15 October 2008, the Council considered the item entitled "Reports of the Secretary-General on the Sudan".

Resolution 1841 (2008)
of 15 October 2008

The Security Council,

Recalling its previous resolutions concerning the situation in the Sudan, in particular resolutions 1556 (2004) of 30 July 2004, 1591 (2005) of 29 March 2005, 1651 (2005) of 21 December 2005, 1665 (2006) of 29 March 2006, 1672 (2006) of 25 April 2006, 1713 (2006) of 29 September 2006, 1769 (2007) of 31 July 2007, 1779 (2007) of 28 September 2007 and 1828 (2008) of 31 July 2008, and the statements by its President concerning the Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Stressing again its firm commitment to the cause of peace throughout the Sudan, full implementation of the Comprehensive Peace Agreement of 9 January 2005,[286] full implementation of the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement), and an end to the violence and atrocities in Darfur,

Reiterating the importance of promoting a political process to restore peace and stability in Darfur, and strongly urging those parties that have not yet agreed to participate in negotiations to do so immediately and all parties to the conflict to engage fully and constructively in the process and to cooperate with the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé,

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[285] Resolutions or decisions on this question were first adopted by the Security Council in 2004.

[286] S/2005/78, annex.

Reiterating its belief in the basis provided by the Darfur Peace Agreement for a lasting political solution and sustained security in Darfur, and deploring that the Agreement has not been fully implemented by the signatories and has not been signed by all parties to the conflict in Darfur,

Noting with strong concern the ongoing violence, impunity and consequent deterioration of the humanitarian situation, reiterating its deep concern about the security of civilians and humanitarian aid workers and about humanitarian access to populations in need, and calling upon all parties in Darfur to cease offensive actions immediately and to refrain from further violent attacks,

Demanding that there should be no aerial bombings nor use in Darfur, by any party to the conflict, of white aircraft or aircraft with markings resembling those on United Nations aircraft, and demanding that the parties to the conflict exercise restraint and cease military action,

Commending the efforts of, and reiterating its full support for, the Joint African Union-United Nations Chief Mediator, the United Nations Secretary-General, the League of Arab States and the leaders of the region to promote peace and stability in Darfur, looking forward to the full and rapid deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), and expressing its strong support for the political process under the African Union-United Nations-led mediation,

Recalling the midterm report of 27 May 2008 of the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (*b*) of resolution 1591 (2005) and extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), taking note of the final report of the Panel,[287] and expressing its intent to study the recommendations of the Panel further and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the Charter of the United Nations concerning privileges and immunities and the Convention on the Privileges and Immunities of the United Nations,[288] as applicable to United Nations operations and persons engaged in such operations,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter,

1. *Decides* to extend until 15 October 2009 the mandate of the current Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and requests the Secretary-General to take the necessary administrative measures;

2. *Requests* the Panel of Experts to provide, no later than 29 March 2009, a midterm briefing on its work and, no later than ninety days after the adoption of the present resolution, an interim report to the Security Council Committee established pursuant to paragraph 3 (*a*) of resolution 1591 (2005), and a final report no later than thirty days prior to the termination of its mandate to the Security Council, with its findings and recommendations;

3. *Also requests* the Panel of Experts to coordinate its activities, as appropriate, with the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by

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[287] See S/2008/647, annex.

[288] General Assembly resolution 22 A (I).

paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) and progress towards reducing impediments to the political process, threats to stability in Darfur and the region and other violations of the above-mentioned resolutions;

4. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolutions 1556 (2004) and 1591 (2005);

5. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5996th meeting.

Decisions

At its 6003rd meeting, on 28 October 2008, the Security Council decided to invite the representative of the Sudan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2008/659)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Susana Malcorra, Under-Secretary-General for Field Support.

At its 6010th meeting, on 5 November 2008, the Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the Sudan (S/2008/662)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

At its 6028th meeting, on 3 December 2008, the Council considered the item entitled "Reports of the Secretary-General on the Sudan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

At its 6054th meeting, on 19 December 2008, the Council decided to invite the representative of the Sudan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2008/781)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Ms. Susana Malcorra, Under-Secretary-General for Field Support.

At its 6079th meeting, on 5 February 2009, the Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the Sudan (S/2009/61)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ashraf Jehangir Qazi, Special Representative of the Secretary-General for the Sudan and Head of the United Nations Mission in the Sudan.

At its 6096th meeting, on 20 March 2009, the Council decided to invite the representatives of the Czech Republic and the Sudan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Reports of the Secretary-General on the Sudan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Rashid Khalikov, Director of the Office for the Coordination of Humanitarian Affairs of the Secretariat.

At its 6112th meeting, on 27 April 2009, the Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2009/201)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Rodolphe Adada, Joint African Union-United Nations Special Representative for Darfur and Head of the African Union-United Nations Hybrid Operation in Darfur.

At its 6116th meeting, on 30 April 2009, the Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the Sudan (S/2009/211)".

Resolution 1870 (2009)
of 30 April 2009

The Security Council,

Recalling all its resolutions and the statements by its President concerning the situation in the Sudan,

Reaffirming its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict, in which it reaffirms, inter alia, the relevant provisions of the 2005 World Summit Outcome,[289] its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel and its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security,

Taking note of the report of the Secretary-General of 30 January 2009 on the Sudan,[290] the report of the Secretary-General of 10 February 2009 on children and armed conflict in the Sudan,[291] including his recommendations, and the report of the Secretary-General of 29 August 2007 on children and armed conflict in the Sudan,[292] and recalling the conclusions on parties to the armed conflict in the Sudan endorsed by the Security Council Working Group on Children and Armed Conflict,[293]

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[289] See General Assembly resolution 60/1.

[290] S/2009/61.

[291] S/2009/84.

[292] S/2007/520.

[293] S/AC.51/2008/7.

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan and to the cause of peace throughout the region,

Commending the work of the United Nations Mission in the Sudan in support of the Comprehensive Peace Agreement of 9 January 2005,[286] and commending the continuing commitment of troop- and police-contributing countries in support of the Mission,

Stressing its firm commitment to the cause of peace and stability throughout the Sudan and the region, noting the importance of the full implementation of the Comprehensive Peace Agreement, and recognizing that the Agreement has reached a critical stage,

Encouraging all parties to continue to take positive action in order to consolidate and build upon the achievements since 2005, and reaffirming the invaluable support of the Mission for these efforts,

Condemning all acts and forms of violence perpetrated by any party that prevent or hinder peace and stability in the Sudan and the region, and deploring its effect, in particular, on women and children,

Stressing the importance of providing humanitarian assistance to the civilian populations throughout the Sudan, in particular in the Three Areas after the events of 4 and 5 March 2009, and for the implementation of the Comprehensive Peace Agreement, and taking note of the joint assessment being conducted in the Three Areas and the need for continued cooperation between the Government of the Sudan, the United Nations and humanitarian organizations,

Commending the continuing work of the Assessment and Evaluation Commission,

Recalling the commitment of the international community to support the Comprehensive Peace Agreement process, including through development assistance, and urging donors to support the implementation of the Agreement and to honour all pledges of financial and material support,

Recalling also the importance of free and fair elections, including the planned national elections, for national reconciliation, the consolidation of democracy and the restoration of peace and stability,

Noting with deep concern the inability to reach agreement on the funding of the Abyei Interim Administration, thereby preventing it from reducing political instability and insecurity in the Abyei region,

Welcoming the increased cooperation among the United Nations Mission in the Sudan, the United Nations Organization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Mission in the Central African Republic and Chad, and looking forward to the sharing of information among them to help to counter regional threats such as the Lord's Resistance Army,

Determining that the situation in the Sudan continues to constitute a threat to international peace and security,

1. *Decides* to extend the mandate of the United Nations Mission in the Sudan until 30 April 2010, with the intention to renew it for further periods as may be required;

2. *Requests* the Secretary-General to report to the Security Council every three months on the implementation of the mandate of the Mission, progress on the implementation of the Comprehensive Peace Agreement,[286] and respect for the ceasefire, and to provide an assessment and recommendations on measures that the Mission might take to further support elections and advance the peace process;

3. *Welcomes* the military capability review conducted into the deployment of the Mission, stresses the importance of appropriate and flexible deployment of the Mission in order to address the most likely points of conflict, in particular in areas where civilians are under threat of violence, and requests regular reviews of deployment and implementation of

recommendations to ensure that the force is best placed to support the implementation of the Comprehensive Peace Agreement;

4. *Stresses* the importance of full and expeditious implementation of all elements of the Comprehensive Peace Agreement, and implementation of the Abyei road map, agreements on Darfur and the Eastern Sudan Peace Agreement of 14 October 2006, and calls upon all parties to respect and abide by their commitments to these agreements without delay;

5. *Welcomes* the sustained commitment of the parties to work together in the Government of National Unity, and urges the continued cooperation of the National Congress Party and the Sudan People's Liberation Movement in carrying out their responsibilities in further implementing the Comprehensive Peace Agreement;

6. *Stresses* the critical role of the Assessment and Evaluation Commission in overseeing and reporting on the implementation of the Comprehensive Peace Agreement, and urges all parties to cooperate fully with the Commission and implement its recommendations;

7. *Calls for* all parties to cooperate with full and unrestricted access to the Mission in monitoring and verification of the Abyei region, without prejudice to the final agreement on the Abyei boundaries, and urges the Mission, consistent with its current mandate and within its means and capabilities, to consult with the parties and to deploy, as appropriate, sufficient personnel to the Abyei region to improve conflict prevention efforts and security to the civilian population;

8. *Welcomes* the agreement by the parties to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal at the Permanent Court of Arbitration for resolution, calls upon the parties to abide by and implement the decision of the Tribunal on the final settlement of the Abyei boundary dispute, urges the parties to reach agreement on providing the funding of the Abyei Interim Administration in accordance with the Comprehensive Peace Agreement, and urges all parties to redeploy their military forces away from the disputed border of 1 January 1956;

9. *Also welcomes* the completion of the enumeration phase and technical analysis of the national census, expresses its concern about the delay in announcing the results, and urges the parties to reach agreement expeditiously on the 2008 national census results in a way that does not increase tensions;

10. *Urges* all Sudanese parties to continue to demonstrate their full commitment to the democratic process by preparing expeditiously for the conduct of peaceful, transparent and credible elections in February 2010 as recommended by the National Electoral Commission;

11. *Requests* the Mission, consistent with its mandate and within its current capabilities, to support the National Electoral Commission in preparing for credible national elections, including through the provision of assistance and advice, as required, with security preparations and coordinating United Nations election support efforts in close collaboration with the United Nations Development Programme, and ensuring that the efforts of the Mission are complementary to those of the international community and the parties to the Comprehensive Peace Agreement, and urges the international community to provide technical and material assistance, including electoral observation capacity as requested by the Government of National Unity, to support credible elections;

12. *Recalls* the provision in the Comprehensive Peace Agreement for referendums, including the responsibility of the parties to pursue efforts to make unity attractive, and, reaffirming the support of the Mission for these efforts, requests that the Mission be prepared to provide assistance to the parties, if requested, to support preparations for a referendum in 2011;

13. *Expresses its concern* for the health and welfare of the civilian populations in the Sudan, calls upon the parties to the Comprehensive Peace Agreement and the communiqué signed by the United Nations and the Government of National Unity in Khartoum on 28 March 2007 to support, protect and facilitate all humanitarian operations and personnel in the Sudan, and urges the Government of the Sudan to continue working with the United Nations to support

the three-track approach delineated by the Secretary-General to ensure the continuity of humanitarian assistance;

14. *Requests* the Mission to make full use of its current mandate and capabilities to provide security to the civilian population, humanitarian and development actors and United Nations personnel under imminent threat of violence, as stated in resolution 1590 (2005) of 24 March 2005, stresses that this mandate includes the protection of refugees, displaced persons and returnees, and emphasizes, in particular, the need for the Mission to make full use of its current mandate and capabilities with regard to the activities of militias and armed groups such as the Lord's Resistance Army in the Sudan, as stated in resolution 1663 (2006) of 24 March 2006;

15. *Deplores* the persistent localized conflict and violence and its effect on civilians, especially within Southern Sudan, and the continuing potential for violence, and calls upon the Mission to strengthen its conflict management capacity by completing, as soon as possible, its integrated strategy to support local tribal conflict resolution mechanisms in order to maximize the protection of civilians; welcomes the development of a comprehensive strategy on the protection of civilians and encourages the Mission to continue and complete its work on the strategy in a timely manner; and again calls upon the Mission, consistent with its current mandate and capabilities, to proactively conduct patrols in areas at high risk of localized conflict;

16. *Notes* that conflict in one area of the Sudan affects conflict in other areas of the Sudan and in the region, and therefore urges the Mission, consistent with its current mandate, to cooperate closely with all United Nations entities operating in the region, including the African Union-United Nations Joint Mediation Support Team and other stakeholders, so that the implementation of the mandates of these bodies supports the overall objective of peace in the Sudan and the region;

17. *Requests* the Mission, acting within its current mandate and within its current means and capabilities, to provide technical and logistical support to the Ad hoc Technical Border Committee, as requested, to help the parties to urgently conclude the process of demarcation of the north/south border of 1956, in accordance with the Comprehensive Peace Agreement;

18. *Stresses* the important role of the Joint Integrated Units for the full implementation of the Comprehensive Peace Agreement, calls upon the Joint Defence Board to exercise command, control and management of the Joint Integrated Units, requests the Mission to explore ways to support Sudanese efforts to build the capabilities of the Joint Integrated Units, and urges donors to offer support, both materiel and training, coordinated by the Mission in consultation with the Joint Defence Board, to enable the full establishment and operational effectiveness of Joint Integrated Units and Joint Integrated Police Units as soon as possible;

19. *Encourages* the Mission, consistent with its mandate, and within authorized levels of civilian police, to continue efforts to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law and restructuring the police and corrections services throughout the Sudan, and to assist in the training of civilian police and corrections officers;

20. *Encourages* the parties to undertake a prioritized roll-out of disarmament, demobilization and reintegration in all states, and requests the Mission to work closely with the Sudanese Armed Forces and the Sudan People's Liberation Army to assist in voluntary disarmament and weapons collection and destruction efforts in implementation of disarmament, demobilization and reintegration under the Comprehensive Peace Agreement;

21. *Further urges* donors to respond to calls for assistance to the disarmament, demobilization and reintegration process, in particular the reintegration phase, and calls upon donors to honour their obligations and pledges made at the Oslo donors' conferences of 2005 and 2008;

22. *Requests* the Mission, consistent with its mandate and in coordination with the relevant parties and taking into account the need to pay particular attention to the protection, release and reintegration of children recruited to and participating with armed forces and armed groups, to

increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions, with special emphasis on reintegrating such children with their families, and to monitor the reintegration process;

23. *Welcomes* the continuing organized return of internally displaced persons and refugees to the Three Areas and Southern Sudan, and encourages the promotion of efforts, including the provision of necessary resources to the Office of the United Nations High Commissioner for Refugees and implementing partners, to ensure that such returns are voluntary and sustainable; and requests the Mission, within its current mandate, capabilities and areas of deployment, to coordinate with partners to facilitate sustainable returns, including by helping to establish and maintain the necessary security conditions;

24. *Calls upon* the Government of National Unity to cooperate fully with all the United Nations operations within its territory in the implementation of their mandates;

25. *Reiterates its concern* over the restrictions and impediments placed on Mission personnel and materiel, and the adverse impact that such restrictions and impediments have on the ability of the Mission to perform its mandate effectively and on the ability of the humanitarian community to reach affected persons; and in this regard calls for all parties to cooperate fully with the Mission and to facilitate the performance of its mandate, and to abide by their obligations under international humanitarian law;

26. *Stresses* the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured; in this regard, requests the Secretary-General to develop benchmarks for measuring and tracking progress in the implementation of the mandate of the Mission; and further requests the Secretary-General to include in his next quarterly report an assessment of progress made against these benchmarks, as well as any consequent recommendations regarding the configuration of the Mission;

27. *Underscores* the importance of the military concept of operations and rules of engagement being regularly updated and fully in line with the provisions of the mandate of the Mission under relevant Council resolutions, and requests the Secretary-General to report on them to the Council and troop-contributing countries and to provide the Council, with the same regularity as referred to in paragraph 2 above, with a specific update on the security situation;

28. *Requests* the Secretary-General to continue to take the measures necessary to ensure full compliance by the Mission with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council fully informed, and urges troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

29. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6116th meeting.

Decisions

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[294]

At its 6135th meeting, on 5 June 2009, the Council considered the item entitled "Reports of the Secretary-General on the Sudan".

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[294] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

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At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

At its 6136th meeting, held in private on 5 June 2009, the Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "At its 6136th meeting, held in private on 5 June 2009, the Security Council considered the item entitled 'Reports of the Secretary-General on the Sudan'.
>
> "The President, with the consent of the Council, invited the representatives of Afghanistan, Algeria, Australia, Belgium, Bosnia and Herzegovina, Brazil, Canada, the Czech Republic, Denmark, Egypt, Estonia, Finland, Germany, India, Ireland, Israel, Italy, Kenya, Lebanon, Liechtenstein, Luxembourg, Malaysia, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Qatar, Romania, Singapore, Slovakia, Slovenia, South Africa, Spain, the Sudan, Suriname, Sweden, Switzerland, Tunisia, the United Republic of Tanzania and Yemen, at their request, to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.
>
> "Pursuant to the decision taken at the 6135th meeting, the President recognized the presence at the Council table of Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, in accordance with rule 39 of the provisional rules of procedure of the Council.
>
> "The members of the Council had an exchange of views."

At its 6139th meeting, on 11 June 2009, the Council considered the item entitled "Reports of the Secretary-General on the Sudan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

At its 6170th meeting, on 24 July 2009, the Council decided to invite the representatives of the Sudan and Sweden to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2009/297)
>
> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2009/352)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations.

On 24 July 2009, the President of the Security Council addressed the following letter to the Secretary-General:[295]

> "I have the honour to inform you that your letter dated 22 July 2009 concerning your agreement with the Chairperson of the African Union Commission to appoint Lieutenant

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[295] S/2009/383.

General Patrick Nyamvumba, of Rwanda, as Force Commander of the African Union-United Nations Hybrid Operation in Darfur (UNAMID)[296] has been brought to the attention of the members of the Security Council. They take note of the agreement expressed in your letter."

At its 6175th meeting, on 30 July 2009, the Council considered the item entitled:

"Reports of the Secretary-General on the Sudan

> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2009/297)
>
> "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur (S/2009/352)".

Resolution 1881 (2009)
of 30 July 2009

The Security Council,

Reaffirming all its previous resolutions and the statements by its President concerning the situation in the Sudan,

Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of the Sudan and its determination to work with the Government of the Sudan, in full respect of its sovereignty, to assist in tackling the various challenges in the Sudan,

Recalling its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict, in which it reaffirms, inter alia, the relevant provisions of the 2005 World Summit Outcome,[289] its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel and its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security,

Taking note of the report of the Secretary-General of 10 February 2009 on children and armed conflict in the Sudan,[291] including his recommendations, and the report of the Secretary-General of 29 August 2007 on children and armed conflict in the Sudan,[292] and recalling the conclusions on parties to the armed conflict in the Sudan endorsed by the Security Council Working Group on Children and Armed Conflict,[293]

Welcoming the important role of the African Union,

Welcoming also the report of the Secretary-General of 13 July 2009 on the African Union-United Nations Hybrid Operation in Darfur (UNAMID),[297]

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Expressing its concern, two years after the adoption of its resolution 1769 (2007) of 31 July 2007, at the continued seriousness of the security situation and deterioration of the humanitarian situation in Darfur and at the recurring attacks on the civilian population, reiterating its condemnation of all violations of human rights and international humanitarian law in Darfur, calling upon all parties to comply with their obligations under international humanitarian and human rights law, emphasizing the need to bring to justice the perpetrators of such crimes, and urging the Government of the Sudan to comply with its obligations in this respect,

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[296] S/2009/382.

[297] S/2009/352.

Reaffirming its concern over the negative effect of the ongoing violence in Darfur on the stability of the Sudan as a whole as well as the region, noting with concern the negative effect of ongoing tensions between the Governments of the Sudan and Chad, reiterating that a reduction in these tensions and rebel activity in both countries must be addressed to achieve long-term peace in Darfur and in the region, and encouraging the Sudan and Chad to engage constructively with the Dakar Contact Group and the international community,

Expressing its strong commitment and determination to promote and support the political process in Darfur and the efforts of the Joint African Union-United Nations Chief Mediator for Darfur, and deploring the fact that some groups continue to refuse to join the political process,

Determining that the situation in the Sudan constitutes a threat to international peace and security,

1. *Decides* to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) as set out in resolution 1769 (2007) for a further twelve months, until 31 July 2010;

2. *Underlines* the need for UNAMID to make full use of its mandate and capabilities, particularly with regard to (*a*) the protection of civilians across Darfur, and (*b*) ensuring safe, timely and unhindered humanitarian access, the safety and security of humanitarian personnel and the protection of humanitarian convoys;

3. *Commends* the contribution of troop- and police-contributing countries and donors to UNAMID; calls upon States Members of the United Nations to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required; underlines the need for capable battalions effectively able to carry out UNAMID's mandated tasks; in this regard requests the continuing assistance of donors in ensuring that battalions are suitably trained and equipped; and further requests UNAMID to examine how it could maximize the use of its capabilities in Darfur;

4. *Welcomes* the improvement in the Government of the Sudan's cooperation with UNAMID, commends the credible work of the Tripartite Commission, calls upon all parties in Darfur to remove all obstacles to the full and expeditious deployment of UNAMID and the proper discharge of its mandate, including by ensuring its security and freedom of movement; and in this regard calls upon the Government of the Sudan to comply with the status-of-forces agreement fully and without delay, in particular the timely provision of visas for UNAMID personnel and of flight and equipment clearances;

5. *Reiterates its condemnation* of previous attacks on UNAMID by armed groups, underlines that any attack or threat on UNAMID is unacceptable, demands that there be no recurrence of such attacks, and stresses the need to enhance the safety and security of UNAMID personnel;

6. *Stresses* the importance of achievable and realistic targets against which the progress of United Nations peacekeeping operations can be measured, and in this regard requests the Secretary-General, following consultations with the African Union:

(*a*) To submit, for the consideration of the Security Council, a strategic workplan containing benchmarks to measure and track progress being made by UNAMID in implementing its mandate;

(*b*) To include in his next report an assessment of progress made against these benchmarks, as well as consequent recommendations regarding the mandate and configuration of UNAMID; and

(*c*) To report to the Council every ninety days thereafter on progress made towards implementing the mandate of UNAMID across Darfur, as well as on progress on the political process, on the security and humanitarian situation and on compliance by all parties with their international obligations;

7. *Demands* that all parties to the conflict in Darfur immediately end violence and attacks on civilians, peacekeepers and humanitarian personnel, and comply with their obligations under human rights and international humanitarian law; calls for an immediate cessation of hostilities and for all parties to commit themselves to a sustained and permanent ceasefire; requests the Secretary-General to consult with relevant parties with a view to developing a more effective ceasefire monitoring mechanism; and underlines the need for UNAMID to report on major instances of violence which undermine the parties' full and constructive efforts towards peace;

8. *Reiterates* that there can be no military solution to the conflict in Darfur and that an inclusive political settlement and the successful deployment of UNAMID are essential to re-establishing peace; reaffirms its full support for the African Union-United Nations-led political process for Darfur and the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé; demands that all parties to the conflict, including all rebel groups, immediately engage fully and constructively in the peace process without preconditions, including by entering into talks under the mediation of Mr. Bassolé with a view to finalizing a framework agreement; welcomes the work of Qatar and the Libyan Arab Jamahiriya in this regard and the support of other countries in the region; calls upon UNAMID to support the Joint Chief Mediator and the African Union-United Nations Joint Mediation Support Team; and underlines the need for the engagement of civil society, including women and women-led organizations, community groups and tribal leaders, in order to create a conducive environment for peace and security through constructive and open dialogue;

9. *Calls upon* the Sudan and Chad to abide by their obligations under the Doha Agreement of 3 May 2009, the Dakar Agreement of 13 March 2008 and previous bilateral agreements; and reaffirms the need for both countries to engage constructively with the Dakar Contact Group with a view to normalizing relations, ceasing support for armed groups, strengthening actions to combat arms trafficking in the region, establishing effective joint border monitoring, and cooperating through diplomatic means to establish peace and stability in Darfur and the wider region;

10. *Notes* that conflict in one area of the Sudan affects other areas of the Sudan and the wider region, and urges UNAMID to coordinate closely with other United Nations missions in the region, including the United Nations Mission in the Sudan and the United Nations Mission in the Central African Republic and Chad;

11. *Requests* UNAMID, consistent with its current capabilities and mandate, to assist and complement the efforts of the United Nations Mission in the Sudan in preparing for credible national elections through the provision of advice and assistance where required;

12. *Expresses its serious concern* at the continued deterioration of the humanitarian situation in Darfur, calls for the full implementation of the joint communiqué between the Government of the Sudan and the United Nations on the facilitation of humanitarian activities in Darfur, and demands that the Government of the Sudan, all militias, armed groups and all other stakeholders ensure the full, safe and unhindered access of humanitarian organizations and relief personnel and the delivery of humanitarian assistance to populations in need;

13. *Demands* that all parties to the conflict in Darfur create the conditions conducive to allowing the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons;

14. *Demands also* that the parties to the conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, in line with resolution 1820 (2008); and requests the Secretary-General to develop a comprehensive strategy for providing protection to women and girls from sexual violence and gender-based violence and to ensure that the relevant provisions of resolutions 1325 (2000) and 1820 (2008) are implemented by UNAMID, and to include information on this in his reporting to the Council;

15. *Requests* the Secretary-General to ensure (*a*) continued monitoring and reporting, as part of the reports referred to in paragraph 6 above, of the situation of children and (*b*) continued dialogue with the parties to the conflict towards the preparation of time-bound action plans to end

the recruitment and use of child soldiers and other violations of international humanitarian law against children;

16. *Decides* to remain seized of the matter.

Adopted unanimously at the 6175th meeting.

POST-CONFLICT PEACEBUILDING[298]

Decisions

At its 5997th meeting, on 21 October 2008, the Security Council decided to invite the representatives of Bangladesh, El Salvador, Guinea-Bissau, the Netherlands, Norway and Sierra Leone (Deputy Minister for Foreign Affairs and International Cooperation) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Post-conflict peacebuilding

"Report of the Peacebuilding Commission (S/2008/417)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Yukio Takasu, Permanent Representative of Japan to the United Nations and Chairperson of the Peacebuilding Commission.

On 6 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[299]

> "I have the honour to refer to Security Council resolution 1646 (2005), adopted on 20 December 2005, in which the Council, in keeping with its resolution 1645 (2005), adopted on the same date, decided that the permanent members listed in Article 23, paragraph 1, of the Charter of the United Nations should be members of the Organizational Committee of the Peacebuilding Commission and that, in addition, the Council should select annually two of its elected members to participate in the Organizational Committee.
>
> "I therefore have the honour to inform you that, following informal consultations on 6 January 2009, the members of the Council agreed on the selection of Burkina Faso and Mexico as the two elected members of the Council to participate in the Organizational Committee for a term of one year, until the end of 2009."

At its 6165th meeting, on 22 July 2009, the Council decided to invite the representatives of Australia, Bangladesh, Brazil, Burundi, Canada, the Central African Republic (Minister Delegate at the Presidency of the Central African Republic in charge of National Defence, Veterans' Affairs, Victims of War, Disarmament and Restructuring of the Army), Egypt, Germany, Guatemala, India, Italy, Morocco, New Zealand, Norway, Pakistan, Peru, the Republic of Korea, Sierra Leone, Somalia (Minister for Foreign Affairs), South Africa (Deputy Minister for International Relations and Cooperation), Sweden, Switzerland, Thailand and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Post-conflict peacebuilding

"Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (S/2009/304)".

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[298] Resolutions or decisions on this question were first adopted by the Security Council in 2005.

[299] S/2009/168.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Heraldo Muñoz, Permanent Representative of Chile to the United Nations and Chairperson of the Peacebuilding Commission, and Mr. Jordan Ryan, Assistant Administrator and Director of the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme, and Mr. Alastair McKechnie, Director of the Fragile and Conflict-Affected Countries Group of the World Bank.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[300]

> "The Security Council recalls the statement by its President of 20 May 2008,[301] and emphasizes the critical importance of post-conflict peacebuilding as the foundation for building sustainable peace and development in the aftermath of conflict.
>
> "The Council welcomes the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict[302] as an important contribution towards a more effective and coherent international response to post-conflict peacebuilding. The Council also welcomes the strong commitment of the Secretary-General, expressed in the report, to improve the peacebuilding efforts of the United Nations, and urges him to pursue these objectives.
>
> "The Council emphasizes the importance of national ownership and the need for national authorities to take responsibility as soon as possible for re-establishing the institutions of government, restoring the rule of law, revitalizing the economy, reforming the security sector, providing basic services and other key peacebuilding needs. The Council underscores the vital role of the United Nations in assisting national authorities to develop an early strategy, in close consultation with international partners, to address these priorities, and encourages international partners to align their financial, technical and political support behind this strategy.
>
> "The Council stresses the need, in countries emerging from conflict, to draw upon and develop existing national capacities at the earliest possible stage, and the importance of rapidly deployable civilian expertise to help to achieve this, including, where appropriate, relevant expertise from the region. The Council welcomes, in this regard, the recommendation of the Secretary-General for a review to be undertaken to analyse how the United Nations and the international community can help to broaden and deepen the pool of civilian experts, giving particular attention to mobilizing capacities from developing countries and especially women.
>
> "The Council recognizes that post-conflict situations require from the outset experienced and skilled leadership on the ground with effective support teams, and requests the United Nations to increase its efforts in this regard. The Council welcomes the efforts of the Secretary-General to enhance the authority and accountability of senior United Nations representatives in carrying out their duties and responsibilities.
>
> "The Council emphasizes the need for the United Nations system to strengthen strategic partnerships with the World Bank and other international financial institutions, and to complete by the end of 2009 the clarification of roles and responsibilities for key peacebuilding needs and to keep these under regular review, so that the appropriate expertise is generated to achieve a timely and predictable response.
>
> "The Council recalls its resolution 1645 (2005) and recognizes the important role of the Peacebuilding Commission in promoting and supporting an integrated and coherent

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[300] S/PRST/2009/23.

[301] S/PRST/2008/16.

[302] S/2009/304.

approach to peacebuilding, welcomes the progress it has achieved, calls upon it to further enhance its advisory role and support for countries on its agenda and looks forward to the recommendations of the 2010 review of the Commission's founding resolutions on how its role can continue to be enhanced.

"The Council recognizes the critical importance of rapid, flexible and predictable funding for post-conflict peacebuilding. The Council urges Member States to help to achieve this, building on the recommendations contained in the report of the Secretary-General and, in particular, increasing the impact of the Peacebuilding Fund, improving donor practices to make funding faster and more flexible and making use of in-country multi-donor trust funds, which are designed to accommodate the funding requirements of donors.

"The Council reaffirms that ending impunity is essential if a society recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent such abuses in the future. The Council notes that justice and reconciliation mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of victims.

"The Council, in accordance with its resolutions 1325 (2000) and 1820 (2008), underlines the key role that women and young persons can play in re-establishing the fabric of society and stresses the need for their involvement in the development and implementation of post-conflict strategies in order to take account of their perspectives and needs.

"The Council reaffirms the role of regional and subregional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter of the United Nations, and the need to strengthen their capacity in post-conflict peacebuilding.

"The Council recognizes the importance of launching peacebuilding assistance at the earliest possible stage. The Council affirms the importance of early consideration of peacebuilding in its own deliberations and of ensuring coherence between peacemaking, peacekeeping, peacebuilding and development to achieve an early and effective response to post-conflict situations. The Council will strive to apply this integrated approach and requests the Secretary-General to intensify his efforts in this regard.

"The Council invites the Secretary-General to report within twelve months to the Council and the General Assembly on progress achieved in fulfilling his agenda for action to improve the peacebuilding efforts of the United Nations, taking into consideration the views of the Peacebuilding Commission."

THE SITUATION CONCERNING IRAQ[303]

Decisions

At its 5949th meeting, on 6 August 2008, the Security Council decided to invite the representative of Iraq to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Iraq

"Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/495)".

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[303] Resolutions or decisions on this question were first adopted by the Security Council in 2005.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At its 5950th meeting, on 7 August 2008, the Council decided to invite the representative of Iraq to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Iraq

> "Report of the Secretary-General pursuant to paragraph 6 of resolution 1770 (2007) (S/2008/495)".

Resolution 1830 (2008)
of 7 August 2008

The Security Council,

Recalling all its previous relevant resolutions on Iraq, in particular resolutions 1500 (2003) of 14 August 2003, 1546 (2004) of 8 June 2004, 1557 (2004) of 12 August 2004, 1619 (2005) of 11 August 2005, 1700 (2006) of 10 August 2006 and 1770 (2007) of 10 August 2007,

Reaffirming the independence, sovereignty, unity and territorial integrity of Iraq,

Emphasizing the importance of the stability and security of Iraq for the people of Iraq, the region and the international community,

Acknowledging that a democratically elected and constitutionally based Government of Iraq is now in place,

Welcoming improvements in the security situation in Iraq achieved through concerted political and security efforts, and stressing that challenges to security in Iraq still exist and improvements need to be sustained through meaningful political dialogue and national reconciliation,

Underscoring the need for all communities in Iraq to reject sectarianism, participate in the political process and an inclusive political dialogue, reach a comprehensive solution on the distribution of resources and work towards national reconciliation for the sake of Iraq's political stability and unity,

Reaffirming the importance of the United Nations, in particular the United Nations Assistance Mission for Iraq, in supporting the efforts of the people and Government of Iraq to strengthen institutions for representative government, promote political dialogue and national reconciliation, engage neighbouring countries, assist vulnerable groups, including refugees and internally displaced persons, and promote the protection of human rights and judicial and legal reform,

Expressing concern about human rights challenges in Iraq, and stressing the importance of addressing these challenges,

Expressing concern also about the humanitarian issues confronting the Iraqi people, and stressing the need for a coordinated response and adequate resources to address these issues,

Underscoring the sovereignty of the Government of Iraq, reaffirming that all parties should continue to take all feasible steps and develop modalities to ensure the protection of affected civilians, including children, and should create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, welcoming new commitments of the Government for the relief of internally displaced persons, encouraging continued efforts for internally displaced persons and refugees, and noting the important role of the Office of the United Nations High Commissioner for Refugees, based on its mandate, in providing advice and support to the Government, in coordination with the Mission, *Urging* all those concerned, as set forth in international humanitarian law, including the Geneva Conventions of 1949[304] and the Regulations annexed to the Hague Convention IV of 1907,[305] to allow full, unimpeded access by humanitarian personnel to all people in need of assistance and to make available, as far as possible, all facilities necessary for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and associated personnel and their assets,

Welcoming the appointment by the Secretary-General on 11 September 2007 of a new Special Representative for Iraq, and recognizing the expanded role given to him and the Mission, as established in resolution 1770 (2007),

Acknowledging the important roles played by the United Nations and the Government of Iraq in the first annual ministerial review of the International Compact with Iraq, held in Stockholm on 29 May 2008, as well as in the expanded neighbours conference held in Kuwait City on 22 April 2008, its working groups and its ad hoc support mechanism, and underscoring the importance of continued regional and international support for Iraq's development,

Welcoming the decision of the Government of Iraq to allocate a parcel of land in Baghdad to the United Nations for its new integrated headquarters, and urging the Government to fulfil its commitment to contribute financially to this project,

Welcoming also the letter dated 4 August 2008 from the Minister for Foreign Affairs of Iraq to the Secretary-General[306] setting forth the request of the Government of Iraq that the Mission continue to assist Iraqi efforts to build a productive and prosperous nation at peace with itself and its neighbours,

1. *Decides* to extend the mandate of the United Nations Assistance Mission for Iraq for a period of twelve months from the date of the present resolution;

2. *Decides also* that the Special Representative of the Secretary-General for Iraq and the Mission, at the request of the Government of Iraq and taking into account the letter dated 4 August 2008 from the Minister for Foreign Affairs of Iraq to the Secretary-General,[306] shall continue to pursue their expanded mandate as stipulated in resolution 1770 (2007);

3. *Recognizes* that the security of United Nations personnel is essential for the Mission to carry out its work for the benefit of the people of Iraq, and calls upon the Government of Iraq and other Member States to continue to provide security and logistical support to the United Nations presence in Iraq;

4. *Welcomes* the contributions of Member States in providing the Mission with the financial, logistical and security resources and support that it needs to fulfil its mission, and calls upon Member States to continue to provide the Mission with these resources and support;

5. *Expresses its intention* to review the mandate of the Mission in twelve months or sooner, if requested by the Government of Iraq;

6. *Requests* the Secretary-General to report to the Security Council on a quarterly basis on the progress made towards the fulfilment of all the responsibilities of the Mission;

7. *Decides* to remain seized of the matter.

Adopted unanimously at the 5950th meeting.

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[304] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[305] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[306] S/2008/523, annex.

Decisions

At its 6016th meeting, on 14 November 2008, the Security Council decided to invite the representative of Iraq to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Iraq

> "Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2008/688)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Staffan de Mistura, Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq.

On 16 December 2008, the President of the Security Council addressed the following letter to the Secretary-General:[307]

> "I have the honour to inform you that your letter dated 12 December 2008 concerning the establishment of an integrated United Nations security structure for the United Nations Assistance Mission for Iraq[308] has been brought to the attention of the members of the Security Council. The Council welcomes the proposed arrangements set out in your letter."

At its 6059th meeting, on 22 December 2008, the Council decided to invite the representative of Iraq (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation concerning Iraq".

Resolution 1859 (2008)
of 22 December 2008

The Security Council,

Welcoming the efforts of the democratically elected, constitutionally based national unity Government of Iraq in fulfilling its detailed political, economic and security programme and national reconciliation agenda, and encouraging in that regard the holding of inclusive and peaceful provincial elections,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity and territorial integrity of Iraq, and reaffirming further the importance of the principle of non-interference in the internal affairs of Iraq,

Noting the progress that is taking place in Iraq, particularly in achieving security and stability and in strengthening the armed forces and other Iraqi security forces, and noting likewise Iraq's progress in the political and economic fields,

Welcoming the continuing work of the Government of Iraq towards a federal, democratic, pluralistic and unified Iraq, in which there is full respect for human rights,

Noting the Government of Iraq's progress in pursuing an atmosphere in which sectarianism is totally rejected, and underscoring the importance of inclusive political dialogue and national reconciliation,

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[307] S/2008/784.

[308] S/2008/783.

Recognizing that international support for security and stability is essential to the well-being of the people of Iraq as well as the ability of all concerned, including the United Nations, to carry out their work for the benefit of the people of Iraq, and expressing appreciation for contributions by Member States in this regard under resolutions 1483 (2003) of 22 May 2003, 1511 (2003) of 16 October 2003, 1546 (2004) of 8 June 2004, 1637 (2005) of 8 November 2005, 1723 (2006) of 28 November 2006 and 1790 (2007) of 18 December 2007,

Recognizing also that Iraq is still in need of regional and international support so that it can continue to make progress so its people can flourish and prosper in peace,

Welcoming continuing progress under the International Compact with Iraq, an initiative of the Government of Iraq that has created a new partnership with the international community and is building a strong framework for Iraq's continued political, economic and security transformation and integration into the regional and global economy, as confirmed in the Stockholm Declaration of 29 May 2008, and welcoming also the important role that the United Nations is playing by jointly chairing the Compact with the Government of Iraq,

Recalling the establishment of the United Nations Assistance Mission for Iraq, and affirming that the United Nations should continue to play a leading role in supporting the efforts of the Government of Iraq to strengthen institutions for representative government, promote political dialogue and national reconciliation, engage neighbouring countries, assist vulnerable groups, including refugees and internally displaced persons, and promote the protection of human rights and judicial and legal reform in accordance with resolutions 1770 (2007) of 10 August 2007 and 1830 (2008) of 7 August 2008,

Calling upon the international community, particularly countries in the region and Iraq's neighbours, to support the Iraqi people in their pursuit of peace, stability, security, democracy and prosperity, welcoming the expanded neighbours conferences held in Sharm el-Sheikh, Egypt, in Istanbul, Turkey, and in Kuwait City and their role in supporting the efforts of the Government of Iraq to achieve security and stability in Iraq, and the positive results thereof on regional and international peace and security, welcoming also the fact that the expanded neighbours conference held in Kuwait City on 22 April 2008 approved the terms of reference of the support mechanism, and noting that the successful implementation of the present resolution will contribute to regional stability,

Taking note of the letter dated 7 December 2008 from the Prime Minister of Iraq to the President of the Security Council, which is annexed to the present resolution, welcoming the affirmation by the Prime Minister of Iraq's commitment to living in peace with its neighbours in a manner that contributes to the security and stability of the region, and recognizing the expiration of the mandate of the multinational force on 31 December 2008,

Recognizing the positive developments in Iraq and that the situation now existing in Iraq is significantly different from that which existed at the time of the adoption of resolution 661 (1990) on 6 August 1990, and further recognizing the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661 (1990),

Recognizing also that the letter from the Prime Minister of Iraq also reaffirms the commitment by the Government of Iraq to resolve the debts and settle the claims inherited from the previous regime, and to continue to address those debts and claims until they are resolved or settled, and requests the continued assistance of the international community, as the Government of Iraq works to complete this process,

Recognizing further the significant role of the Development Fund for Iraq and the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) in helping the Government of Iraq to ensure that Iraq's resources are being used transparently and accountably for the benefit of the Iraqi people, and recognizing also the need for Iraq to transition during 2009 to successor arrangements for the Development Fund and the Board, to include the Committee of Financial Experts, *Reaffirming* that acts of terrorism must not be allowed to disrupt Iraq's political and economic transition, and further reaffirming the obligations of Member States under resolution 1618 (2005) of 4 August 2005 and other relevant resolutions and international conventions with respect, inter alia, to terrorist activities in and from Iraq or against its citizens,

Recognizing that the Government of Iraq will continue to have the leading role in coordinating international assistance to Iraq, and reaffirming the importance of international assistance and the development of the Iraqi economy and the importance of coordinated donor assistance,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 31 December 2009 the arrangements established in paragraph 20 of resolution 1483 (2003) for the deposit into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund by the International Advisory and Monitoring Board, and further decides that, subject to the exception provided for in paragraph 27 of resolution 1546 (2004), the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect to funds, financial assets and economic resources described in paragraph 23 of that resolution;

2. *Decides also* that the provisions in paragraph 1 above for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) shall be reviewed at the request of the Government of Iraq or no later than 15 June 2009;

3. *Requests* the Secretary-General to report to the Security Council on a quarterly basis, with the first briefing to be no later than 31 March 2009 and with a written report on a semi-annual basis, on the activities of the Development Fund for Iraq and the International Advisory and Monitoring Board, including on progress made in strengthening the financial and administrative oversight of the Development Fund;

4. *Encourages* the International Monetary Fund and the World Bank, as members of the International Advisory and Monitoring Board, to brief the Council in January 2009;

5. *Decides* to review the resolutions pertaining specifically to Iraq, beginning with resolution 661 (1990), and in that regard requests the Secretary-General to report, after consultations with Iraq, on facts relevant to consideration by the Council of actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of such resolutions;

6. *Decides also* to remain actively seized of the matter.

Adopted unanimously at the 6059th meeting.

Annex

Letter dated 7 December 2008 from Mr. Nuri Kamel al-Maliki, Prime Minister of Iraq, to the President of the Security Council

Further to our letter dated 31 December 2007 addressed to you, in which we indicated that the extension of the mandate of the Multinational Forces in Iraq (MNF-I) would be for one final time, with appreciation for the important role and efforts of those forces in assisting Iraq to achieve security and stability, and in view of the fact that Iraq has signed the Agreement between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq, we look forward to the ending of the mandate of MNF-I on 31 December 2008. On behalf of the Government and people of Iraq, I express my gratitude to the

Governments of the States that have contributed to those forces and to the forces themselves for the services rendered during their presence in the territory, waters and airspace of Iraq.

Iraq has inherited debts and claims from the previous regime and has made great progress in settling them. However, much remains to be done, and our efforts to settle those claims and debts will require some time. Temporary support from the international community will continue to be required during the coming phase. Therefore, we hope that the international community will continue current protections and arrangements for petroleum, petroleum products and natural gas from Iraq and the proceeds thereof until such time as the Government of Iraq is able to take the measures necessary to settle those debts and claims inherited from the previous regime. Oil revenues constitute 95 per cent of Government resources, and these claims have an impact on reconstruction and the economic transformations taking place in Iraq, and consequently pose a grave threat to Iraq's stability and security and by extension to international peace and security.

The Government of Iraq recognizes the importance of the provisions of paragraph 22 of Security Council resolution 1483 (2003) ensuring that Iraq's petroleum and natural gas resources and proceeds and obligations arising from sales thereof, as well as funds deposited in the Development Fund for Iraq, shall be used for reconstruction projects and other purposes benefiting the people of Iraq. Therefore, bearing in mind the exception provided for in paragraph 27 of Security Council resolution 1546 (2004), Iraq requests that the Security Council continue to implement the provisions of paragraph 22 of Security Council resolution 1483 (2003) until 31 December 2009, including those relating to funds or other financial assets or economic resources mentioned in paragraph 23 of that resolution.

The Government of Iraq believes that the provisions of Security Council resolution 1546 (2004) relating to the deposit of proceeds into the Development Fund for Iraq will help to ensure that proceeds from Iraq's natural resources will be used for the benefit of the Iraqi people, as will the role played by the International Advisory and Monitoring Board. The Government of Iraq recognizes that the Development Fund for Iraq plays an important role in helping Iraq to reassure donors and creditors that Iraq is administering its resources and debts in a responsible manner in the service of the Iraqi people. It should be noted that Iraq is attempting, after years of isolation under the previous regime, to form a new partnership with the international community with a view to integrating its economy into those of the region and the world through the International Compact with Iraq, and its efforts were endorsed by more than 90 countries and international organizations in the Stockholm Declaration of 29 May 2008. In view of this, Iraq requests the Security Council to extend the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board for a period of 12 months, with a review of the extension to be conducted before 15 June 2009 at the request of the Government of Iraq.

The Government of Iraq affirms that it honours its obligations under Security Council resolutions and follows policies of peaceful coexistence with its neighbours conducive to the security and stability of the region. The Government of Iraq looks forward to recognition by the Security Council that major positive developments have taken place in Iraq, that the situation in Iraq is fundamentally different from that prevailing at the time of the adoption of Security Council resolution 661 (1990), and that the time has come for Iraq to regain its legal and international status prevailing prior to the adoption by the Security Council of that resolution and the subsequent sanctions imposed on it under Chapter VII of the Charter of the United Nations.

The Government of Iraq requests that the Security Council include this letter as an annex to the resolution currently being drafted on Iraq, and should be grateful if the President of the Security Council would circulate it to the members of the Security Council as soon as possible.

Decisions

At its 6087th meeting, on 26 February 2009, the Security Council decided to invite the representative of Iraq to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Iraq

"Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/102)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Staffan de Mistura, Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq.

At its 6145th meeting, on 18 June 2009, the Council decided to invite the representative of Iraq to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation concerning Iraq

"Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/284)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Staffan de Mistura, Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[309]

"The Security Council reaffirms its commitment to the independence, sovereignty, unity and territorial integrity of Iraq, and emphasizes the importance of the stability and security of Iraq for its people, the region and the international community.

"The Council commends the important efforts made by the Government of Iraq to strengthen democracy and the rule of law, to improve security and public order and to combat terrorism and sectarian violence across the country, and reiterates its support to the people and the Government of Iraq in their efforts to build a secure, stable, united and democratic country, based on the rule of law and respect for human rights.

"The Council reaffirms its full support for the United Nations Assistance Mission for Iraq in advising, supporting and assisting the people and Government of Iraq to strengthen democratic institutions, advance inclusive political dialogue and national reconciliation, facilitate regional dialogue, aid vulnerable groups, strengthen gender equality, promote the protection of human rights, including through the work of the Independent High Commission for Human Rights, and promote judicial and legal reform.

"The Council encourages the continued work of the Mission, in coordination with the Government of Iraq, to help to create conditions conducive to the voluntary, safe, dignified and sustainable return of Iraqi refugees and internally displaced persons, and welcomes further attention to this issue by all concerned.

"The Council underscores the important role of the Mission in supporting the people and Government of Iraq to promote dialogue, ease tension and develop a just and fair

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[309] S/PRST/2009/17.

> solution for the nation's disputed internal boundaries, and calls upon all the relevant parties to participate in an inclusive dialogue to this end.
>
> "The Council emphasizes the efforts of the Mission to assist the Government of Iraq and the Independent High Electoral Commission in the development of processes for holding elections. The Council strongly endorses the continued assistance of the Mission to the people and Government of Iraq in preparation for the upcoming elections.
>
> "The Council congratulates Mr. Staffan de Mistura, the departing Special Representative of the Secretary-General for Iraq, on his strong leadership of the Mission, and expresses deep gratitude to all the United Nations staff in Iraq for their courageous and tireless efforts."

On 8 July 2009, the President of the Security Council addressed the following letter to the Secretary-General:[310]

> "I have the honour to inform you that your letter dated 6 July 2009 concerning your intention to appoint Mr. Ad Melkert, of the Netherlands, as your Special Representative for Iraq and Head of the United Nations Assistance Mission for Iraq[311] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

NON-PROLIFERATION[312]

Decisions

At its 5973rd meeting, on 11 September 2008, the Security Council considered the item entitled:

> "Non-proliferation
>
> > "Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)".

At its 5984th meeting, on 27 September 2008, the Council decided to invite the representative of Germany to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Non-proliferation".

Resolution 1835 (2008)
of 27 September 2008

The Security Council,

Taking note of the report of the Director General of the International Atomic Energy Agency of 15 September 2008 on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran,[313]

Reaffirming its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons,[314]

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[310] S/2009/347.

[311] S/2009/346.

[312] Resolutions or decisions on this question were first adopted by the Security Council in 2006.

[313] GOV/2008/38.

[314] United Nations, *Treaty Series*, vol. 729, No. 10485.

1. *Reaffirms* the statement by its President of 29 March 2006,[315] and its resolutions 1696 (2006) of 31 July 2006, 1737 (2006) of 23 December 2006, 1747 (2007) of 24 March 2007 and 1803 (2008) of 3 March 2008;

2. *Takes note* of the statement of 3 March 2008 by the Ministers for Foreign Affairs of China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with the support of the High Representative for the Common Foreign and Security Policy of the European Union, describing the dual-track approach to the Iranian nuclear issue;[316]

3. *Reaffirms its commitment*, within this framework, to an early negotiated solution to the Iranian nuclear issue, and welcomes the continuing efforts in this regard;

4. *Calls upon* the Islamic Republic of Iran to comply fully and without delay with its obligations under the above-mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors of the International Atomic Energy Agency;

5. *Decides* to remain seized of the matter.

Adopted unanimously at the 5984th meeting.

Decisions

At its 6036th meeting, on 10 December 2008, the Security Council considered the item entitled:

"Non-proliferation

> "Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)".

At its 6090th meeting, on 10 March 2009, the Council considered the item discussed at the 6036th meeting.

At its 6142nd meeting, on 15 June 2009, the Council also considered the item discussed at the 6036th meeting.

THE SITUATION IN CHAD AND THE SUDAN[317]

Decisions

At its 6029th meeting, on 3 December 2008, the Security Council decided to invite the representative of Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Chad and the Sudan".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

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[315] S/PRST/2006/15.

[316] See S/PV.5848.

[317] Resolutions or decisions on this question were first adopted by the Security Council in 2006.

PEACE CONSOLIDATION IN WEST AFRICA[317]

Decisions

At its 6073rd meeting, on 21 January 2009, the Security Council considered the item entitled:

"Peace consolidation in West Africa

> "Report of the Secretary-General on the United Nations Office for West Africa (S/2009/39)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Said Djinnit, Special Representative of the Secretary-General for West Africa and Head of the United Nations Office for West Africa.

At its 6157th meeting, on 7 July 2009, the Council considered the item entitled:

"Peace consolidation in West Africa

> "Report of the Secretary-General on the United Nations Office for West Africa (S/2009/332)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Said Djinnit, Special Representative of the Secretary-General for West Africa and Head of the United Nations Office for West Africa, and Mr. Antonio Maria Costa, Executive Director of the United Nations Office on Drugs and Crime.

At its 6160th meeting, on 10 July 2009, the Council considered the item entitled:

"Peace consolidation in West Africa

> "Report of the Secretary-General on the United Nations Office for West Africa (S/2009/332)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[318]

> "The Security Council notes with satisfaction continued progress in the overall peace and security situation in West Africa. The Council especially welcomes positive developments in the areas of post-conflict recovery and peacebuilding, as well as improvements in governance and the rule of law.
>
> "The Council, however, notes with deep concern the resurgence of unconstitutional changes of government and undemocratic seizures of power and, recalling the statement by its President of 5 May 2009,[319] stresses again the importance of expeditiously restoring constitutional order, including through open and transparent elections.
>
> "The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security.

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[318] S/PRST/2009/20.

[319] S/PRST/2009/11.

"The Council welcomes the continuing important efforts of the Economic Community of West African States, in synergy with the African Union, the United Nations and the wider international community, consistent with Council resolutions and decisions, to settle conflicts and promote human rights, democracy, the rule of law and constitutional order in West Africa.

"The Council also expresses its concern over the fact that the progress achieved remains fragile. The Council is concerned, in particular, by growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel band, maritime insecurity in the Gulf of Guinea and illicit drug trafficking, which pose a threat to regional stability with possible impact on international security.

"The Council reaffirms the importance of addressing illicit drug trafficking and criminal activities by an approach of shared responsibility, and encourages the efforts by West African States to combat illicit drug trafficking and organized crime, especially through the Economic Community of West African States regional action plan on illicit drug trafficking and organized crime. The Council welcomes West African States' continued leadership in implementing the regional action plan and the role of the United Nations Office for West Africa in support of the implementation of the regional action plan, and takes note of the proposal to strengthen its capacity.

"The Council also commends the joint action of the United Nations Office on Drugs and Crime, the United Nations Office for West Africa, the Department of Peacekeeping Operations and the Department of Political Affairs of the Secretariat and the International Criminal Police Organization (INTERPOL) to help to implement the Economic Community of West African States regional plan of action on illicit drug trafficking and organized crime, and underlines the importance of their continuing to strengthen their partnership on these issues. It also commends national and international partners, such as the European Union, for their support to the Economic Community of West African States in the fight against drug trafficking in West Africa.

"The Council stresses the importance of taking into account a comprehensive strategy of conflict resolution and crisis prevention while addressing cross-border issues and regional challenges. The Council supports the regional efforts to curb the proliferation of small arms and light weapons and to achieve security sector reform.

"The Council expresses its concern at the impact of the global economic crisis on West African economies, since the region is already confronted with development challenges such as rising food insecurity, climate change adaptation and mitigation, and youth unemployment. The Council encourages the continued engagement of financial institutions and development partners to mitigate the adverse effects of the decline in economic growth and other destabilizing factors in West Africa.

"The Council recognizes and commends the important role played by the Special Representative of the Secretary-General for West Africa and the United Nations Office for West Africa in promoting and strengthening a regional and integrated approach to cross-border issues, as well as helping to consolidate peace and security, democracy and the rule of law, and requests the Secretary-General, through his Special Representative, to continue to develop further the active cooperation existing between the United Nations and regional and subregional organizations."

THE SITUATION IN MYANMAR[320]

Decision

At its 6161st meeting, on 13 July 2009, the Security Council decided to invite the representative of Myanmar to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Myanmar".

NON-PROLIFERATION/DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA[320]

Decisions

At its 6106th meeting, on 13 April 2009, the Security Council considered the item entitled:

"Non-proliferation/Democratic People's Republic of Korea

> "Letter dated 4 April 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/176)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[321]

> "The Security Council bears in mind the importance of maintaining peace and stability on the Korean peninsula and in north-east Asia as a whole. The Council condemns the 5 April 2009 (local time) launch by the Democratic People's Republic of Korea, which is in contravention of Council resolution 1718 (2006).
>
> "The Council reiterates that the Democratic People's Republic of Korea must comply fully with its obligations under resolution 1718 (2006).
>
> "The Council demands that the Democratic People's Republic of Korea not conduct any further launch.
>
> "The Council also calls upon all Member States to comply fully with their obligations under resolution 1718 (2006).
>
> "The Council agrees to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) through the designation of entities and goods, and directs the Security Council Committee established pursuant to resolution 1718 (2006) to undertake its tasks to this effect and to report to the Council by 24 April 2009, and further agrees that, if the Committee has not acted, then the Council will complete action to adjust the measures by 30 April 2009.
>
> "The Council supports the Six-Party Talks, calls for their early resumption, and urges all the participants to intensify their efforts for the full implementation of the joint statement issued on 19 September 2005 by China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America and their subsequent consensus documents, with a view to achieving the verifiable denuclearization of the Korean peninsula in a peaceful manner and to maintaining peace and stability on the Korean peninsula and in north-east Asia.

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[320] Resolutions or decisions on this question were first adopted by the Security Council in 2006.

[321] S/PRST/2009/7.

> "The Council expresses its desire for a peaceful and diplomatic solution to the situation and welcomes efforts by Council members as well as other Member States to facilitate a peaceful and comprehensive solution through dialogue.
>
> "The Council will remain actively seized of the matter."

At its 6141st meeting, on 12 June 2009, the Council decided to invite the representative of the Republic of Korea to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Non-proliferation/Democratic People's Republic of Korea
>
> "Letter dated 25 May 2009 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2009/271)".

Resolution 1874 (2009)
of 12 June 2009

The Security Council,

Recalling its previous relevant resolutions, including resolutions 825 (1993) of 11 May 1993, 1540 (2004) of 28 April 2004, 1695 (2006) of 15 July 2006 and, in particular, resolution 1718 (2006) of 14 October 2006, as well as the statements by its President of 6 October 2006[322] and 13 April 2009,[321]

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 (local time) in violation of resolution 1718 (2006), and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons[323] and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons towards the 2010 Review Conference of the Parties to the Treaty, and the danger it poses to peace and stability in the region and beyond,

Stressing its collective support for the Treaty and commitment to strengthen the Treaty in all its aspects, and global efforts towards nuclear non-proliferation and nuclear disarmament, and recalling that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty in any case,

Deploring the announcement by the Democratic People's Republic of Korea of withdrawal from the Treaty and its pursuit of nuclear weapons,

Underlining once again the importance that the Democratic People's Republic of Korea respond to other security and humanitarian concerns of the international community,

Underlining that measures imposed by the present resolution are not intended to have adverse humanitarian consequences for the civilian population of the Democratic People's Republic of Korea,

Expressing the gravest concern that the nuclear test and missile activities carried out by the Democratic People's Republic of Korea have further generated increased tension in the region and beyond, and determining that there continues to exist a clear threat to international peace and security,

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[322] S/PRST/2006/41.

[323] United Nations, *Treaty Series*, vol. 729, No. 10485.

Reaffirming the importance that all Member States uphold the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter, and taking measures under Article 41 thereof,

1. *Condemns in the strongest terms* the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 (local time) in violation and flagrant disregard of relevant Security Council resolutions, in particular resolutions 1695 (2006) and 1718 (2006), and the statement by its President of 13 April 2009,[321]

2. *Demands* that the Democratic People's Republic of Korea not conduct any further nuclear test or any launch using ballistic missile technology;

3. *Decides* that the Democratic People's Republic of Korea shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launches;

4. *Demands* that the Democratic People's Republic of Korea immediately comply fully with its obligations under relevant Council resolutions, in particular resolution 1718 (2006);

5. *Demands also* that the Democratic People's Republic of Korea immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;[323]

6. *Demands further* that the Democratic People's Republic of Korea return at an early date to the Treaty and International Atomic Energy Agency safeguards, bearing in mind the rights and obligations of States parties to the Treaty, and underlines the need for all States parties to the Treaty to continue to comply with their Treaty obligations;

7. *Calls upon* all Member States to implement their obligations pursuant to resolution 1718 (2006), including with respect to designations made by the Security Council Committee established pursuant to resolution 1718 (2006) ("the Committee") pursuant to the statement by its President of 13 April 2009;

8. *Decides* that the Democratic People's Republic of Korea shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner and immediately cease all related activities, shall act strictly in accordance with the obligations applicable to parties under the Treaty and the terms and conditions of the International Atomic Energy Agency safeguards agreement[324] and shall provide the Agency transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the Agency;

9. *Decides also* that the measures in paragraph 8 (*b*) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel;

10. *Decides further* that the measures in paragraph 8 (*a*) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the Democratic People's Republic of Korea;

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[324] Ibid., vol. 1677, No. 28986.

11. *Calls upon* all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from the Democratic People's Republic of Korea, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (*a*), 8 (*b*) or 8 (*c*) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions;

12. *Calls upon* all Member States to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (*a*), 8 (*b*) or 8 (*c*) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions;

13. *Calls upon* all States to cooperate with inspections pursuant to paragraphs 11 and 12 above, and, if the flag State does not consent to inspection on the high seas, decides that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 11 above;

14. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose of items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (*a*), 8 (*b*) or 8 (*c*) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, that are identified in inspections pursuant to paragraph 11, 12 or 13 above in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993[325] and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972,[326] and decides further that all States shall cooperate in such efforts;

15. *Requires* any Member State, when it undertakes an inspection pursuant to paragraph 11, 12 or 13 above, or seizes and disposes of cargo pursuant to paragraph 14 above, to submit promptly reports containing relevant details to the Committee on the inspection, seizure and disposal;

16. *Also requires* any Member State, when it does not receive the cooperation of a flag State pursuant to paragraph 12 or 13 above, to submit promptly to the Committee a report containing relevant details;

17. *Decides* that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as the provision of fuel or supplies, or other servicing of vessels, to vessels of the Democratic People's Republic of Korea if they have information that provides reasonable grounds to believe they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (*a*), 8 (*b*) or 8 (*c*) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities;

18. *Calls upon* Member States, in addition to implementing their obligations pursuant to paragraphs 8 (*d*) and (*e*) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through or from their territory, or to or by their nationals or entities organized under

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[325] Ibid., vol. 1974, No. 33757.

[326] Ibid., vol. 1015, No. 14860.

their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

19. *Calls upon* all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance or concessional loans to the Democratic People's Republic of Korea, except for humanitarian and development purposes directly addressing the needs of the civilian population or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments;

20. *Calls upon* all Member States not to provide public financial support for trade with the Democratic People's Republic of Korea (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities;

21. *Emphasizes* that all Member States should comply with the provisions of paragraphs 8 (*a*) (iii) and 8 (*d*) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the Democratic People's Republic of Korea pursuant to the Vienna Convention on Diplomatic Relations;[327]

22. *Calls upon* all Member States to report to the Council within forty-five days of the adoption of the present resolution and thereafter upon request by the Committee on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of the present resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of the present resolution;

23. *Decides* that the measures set out in paragraphs 8 (*a*), 8 (*b*) and 8 (*c*) of resolution 1718 (2006) shall also apply to the items listed in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2;

24. *Decides also* to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and the present resolution, including through the designation of entities, goods and individuals, and directs the Committee to undertake its tasks to this effect and to report to the Council within thirty days of the adoption of the present resolution, and further decides that, if the Committee has not acted, then the Council will complete action to adjust the measures within seven days of receiving that report;

25. *Decides further* that the Committee shall intensify its efforts to promote the full implementation of resolution 1718 (2006), the statement by its President of 13 April 2009 and the present resolution, through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council by 15 July 2009, and that it shall also receive and consider reports from Member States pursuant to paragraphs 10, 15, 16 and 22 of the present resolution;

26. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to seven experts ("the Panel of Experts"), acting under the direction of the Committee to carry out the following tasks: (*a*) assist the Committee in

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[327] Ibid., vol. 500, No. 7310.

carrying out its mandate as specified in resolution 1718 (2006) and the functions specified in paragraph 25 of the present resolution; (*b*) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures imposed in resolution 1718 (2006) and in the present resolution, in particular incidents of non-compliance; (*c*) make recommendations on actions the Council, or the Committee or Member States, may consider to improve the implementation of the measures imposed in resolution 1718 (2006) and in the present resolution; and (*d*) provide an interim report on its work to the Council no later than ninety days after the adoption of the present resolution, and a final report to the Council no later than thirty days prior to the termination of its mandate, with its findings and recommendations;

27. *Urges* all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolution 1718 (2006) and the present resolution;

28. *Calls upon* all Member States to exercise vigilance and prevent specialized teaching or training of nationals of the Democratic People's Republic of Korea within their territories or by their nationals, in disciplines which could contribute to the Democratic People's Republic of Korea's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems;

29. *Calls upon* the Democratic People's Republic of Korea to join the Comprehensive Nuclear-Test-Ban Treaty[328] at the earliest date;

30. *Supports* peaceful dialogue, calls upon the Democratic People's Republic of Korea to return immediately to the Six-Party Talks without precondition, and urges all the participants to intensify their efforts for the full and expeditious implementation of the joint statement issued on 19 September 2005 and the joint documents issued on 13 February and 3 October 2007 by China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America, with a view to achieving the verifiable denuclearization of the Korean peninsula and to maintaining peace and stability on the Korean peninsula and in north-east Asia;

31. *Expresses its commitment* to a peaceful, diplomatic and political solution to the situation, and welcomes efforts by Council members as well as other Member States to facilitate a peaceful and comprehensive solution through dialogue and to refrain from any actions that might aggravate tensions;

32. *Affirms* that it shall keep the actions of the Democratic People's Republic of Korea under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 of resolution 1718 (2006) and relevant paragraphs of the present resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in the light of compliance by the Democratic People's Republic of Korea with relevant provisions of resolution 1718 (2006) and the present resolution;

33. *Underlines* that further decisions will be required, should additional measures be necessary;

34. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6141st meeting.

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[328] See General Assembly resolution 50/245.

LETTER DATED 22 NOVEMBER 2006 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL[329]

Decisions

At its 6013th meeting, on 7 November 2008, the Security Council decided to invite the representative of Nepal to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)
>
> > "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal.

At its 6069th meeting, on 16 January 2009, the Council decided to invite the representative of Nepal to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)
>
> > "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Ian Martin, Special Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal.

At its 6074th meeting, on 23 January 2009, the Council decided to invite the representative of Nepal to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)
>
> > "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)".

Resolution 1864 (2009)
of 23 January 2009

The Security Council,

Recalling its resolutions 1740 (2007) of 23 January 2007, 1796 (2008) of 23 January 2008 and 1825 (2008) of 23 July 2008,

Reaffirming the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

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[329] Resolutions or decisions on this question were first adopted by the Security Council in 2006.

Recalling the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of the Comprehensive Peace Agreement, and the stated commitment of both parties to find a permanent and sustainable peace, and commending the steps taken to date to implement the Agreement,

Acknowledging the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements by the relevant parties,

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, in particular the agreement of 25 June 2008, as requested by the Government of Nepal,

Welcoming the successful conclusion of the Constituent Assembly elections on 10 April 2008, and the progress made by the parties since the formation of the Assembly in working towards a democratic government, including the decision made at the first session of the Assembly to establish Nepal as a federal democratic republic,

Welcoming also the formation of a democratically elected government and institutions in Nepal,

Welcoming further the establishment of the Special Committee for the supervision, integration and rehabilitation of the Maoist army personnel, and calling upon the Government of Nepal and all political parties to work together to ensure the effective working of the Committee and to complete the integration and rehabilitation of the Maoist army personnel,

Echoing the call by the Secretary-General for all parties in Nepal to move forward swiftly in the implementation of the agreements reached, noting the assessment of the Secretary-General that the United Nations Mission in Nepal will be well placed to assist in the management of arms and armed personnel in accordance with the agreement of 25 June 2008 between the political parties, and recognizing the willingness of the Mission to assist the parties in this, as requested, in order to achieve a durable solution,

Welcoming the report of the Secretary-General of 2 January 2009 on the Mission, in accordance with his mandate,[330]

Welcoming also the completion of the two phases of the verification process and continuing assistance with the management of arms and armed personnel of both sides in accordance with resolution 1740 (2007) and in line with the provisions of the Comprehensive Peace Agreement, noting the importance of a durable long-term solution in helping to create the conditions for the completion of the activities of the Mission, noting also in this regard the need to address outstanding issues, particularly the release of minors in cantonment sites, welcoming the commitment by the Government of Nepal to discharge minors without further delay, and calling upon the Government to implement this commitment as soon as possible and for continued reporting on this issue as required under resolution 1612 (2005) of 26 July 2005,

Noting with appreciation that, with the successful holding of the Constituent Assembly elections, some of the elements of the mandate relating to the Mission as set out in resolution 1740 (2007) have already been accomplished,

Taking note of the letter dated 12 December 2008 from the Government of Nepal to the Secretary-General,[331] in which it recognizes the contribution of the Mission and requests an extension of the Mission on a smaller scale to carry out the remainder of the mandate for six months, and further taking note of the intention of the Government with regard to the termination of the monitoring requirements of the Mission by the end of this six-month period,

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[330] S/2009/1.

[331] S/2008/837, annex.

Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and in resolution 1325 (2000) of 31 October 2000,

Recognizing also that civil society can play an important role in democratic transition and conflict prevention,

Expressing its appreciation for the contribution of the Special Representative of the Secretary-General in Nepal and the efforts of his team in the Mission and the United Nations country team, including the Office of the United Nations High Commissioner for Human Rights, which is monitoring human rights at the request of the Government of Nepal, and stressing the need for coordination and complementarity of efforts between the Mission and all the United Nations actors in the Mission area, particularly in order to ensure continuity, as the mandate comes to an end,

1. *Decides*, in line with the request of the Government of Nepal[331] and the recommendations of the Secretary-General, to renew the mandate of the United Nations Mission in Nepal, as established under resolution 1740 (2007), until 23 July 2009, taking into account the completion of some elements of the mandate, and the ongoing work on the monitoring of the management of arms and armed personnel in line with the agreement of 25 June 2008 between the political parties, which will support the completion of the peace process;

2. *Calls upon* all parties to take full advantage of the expertise and readiness of the Mission, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of the mandate of the Mission;

3. *Concurs* with the view of the Secretary-General that the current monitoring arrangements cannot be maintained indefinitely, and underlines the need for the Government of Nepal to consider necessary measures to reduce the monitoring requirements of the Mission;

4. *Endorses* the recommendations of the Secretary-General for a phased, gradual drawdown and withdrawal of Mission staff, including arms monitors, as proposed in paragraphs 62 and 63 of his report;[330]

5. *Requests* the Secretary-General to keep the Security Council informed of progress towards the implementation of the present resolution and to submit a report on this and the implications for the Mission, with a view to further downsizing of the Mission, no later than 30 April 2009;

6. *Calls upon* the Government of Nepal to continue to take the decisions necessary to create conditions conducive to the completion of the activities of the Mission by the end of the current mandate, including through the implementation of the agreement of 25 June 2008, in order to facilitate the withdrawal of the Mission from Nepal;

7. *Welcomes* the progress achieved so far, and calls upon all political parties in Nepal to expedite the peace process and to continue to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future;

8. *Requests* the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of Mission and associated personnel in executing the tasks defined in the mandate;

9. *Decides* to remain seized of the matter.

Adopted unanimously at the 6074th meeting.

Decisions

On 30 January 2009, the President of the Security Council addressed the following letter to the Secretary-General:[332]

> "I have the honour to inform you that your letter dated 27 January 2009 concerning your intention to appoint Ms. Karin Landgren, of Sweden, to the post of Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal[333] has been brought to the attention of the members of the Security Council. They have taken note of the intention expressed in your letter."

At its 6119th meeting, on 5 May 2009, the Council decided to invite the representative of Nepal to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)
>
> "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/221)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Ms. Karin Landgren, Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[334]

> "The Security Council expresses its concern about the current political crisis in Nepal, and underscores the urgent need for the Government of Nepal and all political parties to continue to work together in a spirit of compromise. The Council notes the steps taken so far in the implementation of the peace process and recalls its full support for that process.
>
> "The Council reaffirms its full support for the United Nations Mission in Nepal and recalls resolution 1864 (2009) calling upon the Government of Nepal to continue to take the decisions necessary to create conditions conducive to completion of the activities of the Mission by the end of the current mandate, including through the work of the Special and Technical Committees for the supervision, integration and rehabilitation of Maoist army combatants.
>
> "The Council recalls the commitment by the Government of Nepal to discharge minors from the cantonment sites and calls upon the Government to implement this commitment in accordance with international law."

At its 6167th meeting, on 23 July 2009, the Council decided to invite the representative of Nepal to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)
>
> "Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/351)".

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[332] S/2009/58.

[333] S/2009/57.

[334] S/PRST/2009/12.

Resolution 1879 (2009)
of 23 July 2009

The Security Council,

Recalling its resolutions 1740 (2007) of 23 January 2007, 1796 (2008) of 23 January 2008, 1825 (2008) of 23 July 2008 and 1864 (2009) of 23 January 2009, and the statement by its President of 5 May 2009,[334]

Reaffirming the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

Recalling the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of the Comprehensive Peace Agreement, and the stated commitment of both parties to find a permanent and sustainable peace, and commending the steps taken to date to implement the Agreement,

Acknowledging the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements by the relevant parties,

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, in particular the agreement of 25 June 2008, as requested by the Government of Nepal,

Welcoming the progress the Constituent Assembly has since made towards writing a new democratic constitution of Nepal within the stipulated time frame since the successful conclusion of the Assembly elections on 10 April 2008,

Noting with concern recent developments, and encouraging renewed and sustained efforts to create a unified approach among the political parties, including through the proposal for a high-level consultative mechanism as a forum for discussion on critical peace process issues,

Calling upon the Government of Nepal and all political parties to work together to ensure the early reconstitution and effective working of the Special Committee for the supervision, integration and rehabilitation of the Maoist army personnel, drawing upon the support of the Technical Committee,

Echoing the call by the Secretary-General for all parties in Nepal to move forward swiftly in the implementation of the agreements reached, noting the assessment of the Secretary-General that the United Nations Mission in Nepal will be well placed to assist in the management of arms and armed personnel in accordance with the agreement of 25 June 2008 between the political parties, and recognizing the willingness of the Mission to assist the parties in this, as requested, in order to achieve a durable solution,

Welcoming the report of the Secretary-General of 13 July 2009 on the Mission,[335]

Recalling the completion of the two phases of the verification process, and welcoming continuing assistance with the management of arms and armed personnel of both sides in accordance with resolution 1740 (2007) and in line with the provisions of the Comprehensive Peace Agreement, noting the importance of a durable long-term solution in helping to create the conditions for the completion of the activities of the Mission, noting also in this regard the need to address outstanding issues without further delay, welcoming in this regard the decision by the Government of Nepal and the Unified Communist Party of Nepal (Maoist) formally to launch the discharge and rehabilitation process for the disqualified Maoist army personnel, including minors, and calling upon all political parties to implement this process fully and expeditiously and for continued reporting on this issue as required under resolution 1612 (2005) of 26 July 2005,

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[335] S/2009/351.

Recalling that, with the successful holding of the Constituent Assembly elections, some of the elements of the mandate of the Mission as set out in resolution 1740 (2007) have already been accomplished,

Welcoming the action plan which the Government of Nepal has committed to prepare, the implementation of which will facilitate the withdrawal of the Mission from Nepal,

Taking note of the letter dated 7 July 2009 from the Government of Nepal to the Secretary-General,[336] in which it recognizes the contribution of the Mission and requests an extension of the mandate of the Mission for six months, and further taking note of the commitments of the Government to reconstitute the Special Committee, strengthened with the support of the Ministry of Peace and Reconstruction, and also for beginning the process of integration and rehabilitation of the Maoist army personnel,

Recognizing the need to pay special attention to the needs and the role of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and in resolution 1325 (2000) of 31 October 2000,

Recognizing also the need to address impunity and to promote and protect human rights by building the capacity of independent national institutions,

Recognizing further that civil society can play an important role in democratic transition and conflict prevention,

Expressing its appreciation for the contribution of the Representative of the Secretary-General in Nepal and the efforts of her team in the Mission and the United Nations country team, including the Office of the United Nations High Commissioner for Human Rights, which is monitoring human rights at the request of the Government of Nepal, and stressing the need for coordination and complementarity of efforts between the Mission and all the United Nations actors in the Mission area, particularly in order to ensure continuity, as the mandate comes to an end,

1. *Decides*, in line with the request of the Government of Nepal[336] and the recommendations of the Secretary-General, to renew the mandate of the United Nations Mission in Nepal, as established under resolution 1740 (2007), until 23 January 2010, taking into account the completion of some elements of the mandate, and the ongoing work on the monitoring of the management of arms and armed personnel in line with the agreement of 25 June 2008 between the political parties, which will support the completion of the peace process;

2. *Calls upon* all parties to take full advantage of the expertise and readiness of the Mission, within its mandate, to support the peace process to facilitate the completion of outstanding aspects of the mandate of the Mission by 23 January 2010;

3. *Concurs* with the view of the Secretary-General that the current monitoring arrangements were conceived as temporary measures, rather than long-term solutions, and cannot be maintained indefinitely, and underlines the need for the Government of Nepal to consider necessary measures to end the present monitoring arrangements;

4. *Requests* the Secretary-General to report to the Security Council by 30 October 2009 on the implementation of the present resolution and progress in creating the conditions conducive to the completion of the activities of the Mission by the end of the current mandate, including the implementation of commitments made in the letter dated 7 July 2009 from the Government of Nepal to the Secretary-General;[336]

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[336] S/2009/360, annex.

5. *Calls upon* the Government of Nepal to continue to take the decisions necessary to create conditions conducive to the completion of the activities of the Mission by the end of the current mandate, including through the implementation of the agreement of 25 June 2008, in order to facilitate the withdrawal of the Mission from Nepal;

6. *Welcomes* the progress achieved so far, and calls upon all political parties in Nepal to expedite the peace process and to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future;

7. *Requests* the parties in Nepal to take the steps necessary to promote the safety, security and freedom of movement of Mission and associated personnel in executing the tasks defined in the mandate;

8. *Decides* to remain seized of the matter.

Adopted unanimously at the 6167th meeting.

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY[337]

A. Mediation and settlement of disputes

Decisions

At its 5979th meeting, on 23 September 2008, the Security Council considered the item entitled:

"Maintenance of international peace and security

"Mediation and settlement of disputes

"Letter dated 3 September 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (S/2008/590)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Lakhdar Brahimi.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[338]

> "The Security Council recalls the purposes and principles of the Charter of the United Nations and reaffirms its commitment to the pacific settlement of disputes, including through mediation, in conformity with the Charter, in particular Chapter VI thereof. The Council recalls all its relevant previous statements and resolutions.
>
> "The Council underlines the importance of mediation as a means of pacific settlement of disputes and encourages the further use of this mechanism in the settlement of disputes. The Council reaffirms the crucial role of the United Nations in this regard.
>
> "The Council affirms that, as the organ with the primary responsibility for the maintenance of international peace and security, it has a responsibility to promote and support mediation as an important means for the pacific settlement of disputes.

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[337] Resolutions or decisions on this question were first adopted by the Security Council in 2007.

[338] S/PRST/2008/36.

"The Council emphasizes the importance of the actions undertaken by the Secretary-General, in using his good offices and his representatives and special envoys, and United Nations mediators in promoting mediation and in the pacific settlement of disputes. The Council takes note of the establishment of the Mediation Support Unit of the Department of Political Affairs of the Secretariat, which provides expertise for supporting the mediation efforts of the United Nations and regional and subregional organizations.

"The Council requests the Secretary-General to continue to ensure that mediation processes conducted by or under the auspices of the United Nations are guided by the purposes and principles of the Organization and that mediators are experienced, impartial, have a good knowledge of all the stakeholders, facts and circumstances of any dispute to which they have been assigned, and are provided with the necessary support and flexibility to approach mediation according to the specificities of the disputes; to this end, the Council encourages the Secretary-General to consider ways to strengthen the capabilities of the Secretariat.

"The Council notes the important contribution of regional and subregional organizations, civil society and other stakeholders to the pacific settlement of disputes, in particular through mediation, and commends them for their efforts. The Council is resolved to strengthen United Nations support to such mediation efforts through improved cooperation, in particular in Africa; the Council encourages other bilateral and multilateral partners to do likewise.

"The Council underlines the importance of engaging the potential and the existing capacities and capabilities of regional and subregional organizations in mediation efforts, and welcomes the promotion of regional approaches to the pacific settlement of disputes.

"The Council notes that women have an important role to play in the settlement of disputes, stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and calls upon the Secretary-General and the heads of regional and subregional organizations to take into account the gender aspect during the selection of mediators, as well as the approach and perspective that women can render in mediation processes.

"The Council highlights the importance of considering peacebuilding and recovery requirements in the mediation process to help to build the foundations for sustainable peace, and stresses that the Peacebuilding Commission has a role to play in the promotion of mediation.

"The Council emphasizes the need to ensure the coherence of mediation processes by or under the auspices of the United Nations, through the improved coordination of efforts with other actors, including regional and subregional organizations, in order to enhance the effectiveness of international efforts.

"The Council also stresses that no mediation initiative can be viable without the ownership and full involvement of all relevant parties to the dispute throughout the process. The Council reaffirms that conflict prevention and the pacific settlement of disputes should be at the core of mediation efforts.

"The Council requests the Secretary-General to submit, within six months of the adoption of the present statement, a report on mediation and its support activities which takes into account experiences of the United Nations and other key actors and makes recommendations for enhancing the effectiveness of United Nations mediation."

At its 6108th meeting, on 21 April 2009, the Council decided to invite the representatives of Algeria, Armenia, Azerbaijan, Benin, Bosnia and Herzegovina, Brazil, Canada, Cuba, the Czech Republic, Egypt, Finland, Indonesia, Kenya, Liechtenstein, Morocco, Nigeria, Norway, Pakistan, Qatar, the Republic of Korea, Senegal, South Africa, the Sudan, Switzerland, the United Republic of Tanzania and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "Maintenance of international peace and security
>
> "Mediation and settlement of disputes
>
> "Report of the Secretary-General on enhancing mediation and its support activities (S/2009/189)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. B. Lynn Pascoe, Under-Secretary-General for Political Affairs.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[339]

> "The Security Council recalls the statement by its President of 23 September 2008[338] and takes note of the report of the Secretary-General on enhancing mediation and its support activities,[340] as well as the recommendations contained therein.
>
> "The Council, in accordance with the Charter of the United Nations and as the organ with the primary responsibility for the maintenance of international peace and security, underscores its intention to remain engaged in all stages of the conflict cycle, including in support of mediation, and expresses its readiness to explore further ways and means to reinforce the promotion of mediation as an important means for the pacific settlement of disputes, wherever possible before they evolve into violence.
>
> "The Council recognizes the importance of mediation, to be launched in the earliest possible phases of conflicts as well as in the implementation phases of signed peace agreements, and underlines the need to design mediation processes that address the root causes of conflicts and contribute to peacebuilding, in order to ensure sustainable peace.
>
> "The Council stresses that the principal responsibility for the peaceful settlement of disputes rests with the parties to the conflict and that it is only through their full participation and genuine commitment to resolve the conflict, including its underlying causes, that peace can be achieved and sustained. In this regard, the Council underlines the importance of building national and local capacity for mediation.
>
> "The Council emphasizes the importance of the actions undertaken by the Secretary-General in promoting mediation and in the pacific settlement of disputes, and welcomes the continued efforts of the Department of Political Affairs of the Secretariat, in particular through the Mediation Support Unit, to respond to emerging and existing crises. It underscores that mediation support efforts should be responsive to the demands of fast-moving peace processes.
>
> "The Council recalls the important contribution of Member States, regional and subregional organizations, civil society and other stakeholders to the pacific settlement of disputes. The Council welcomes the efforts made by regional and subregional organizations to enhance their mediation role, and appreciates the efforts of the Secretary-General to continue to assist them in this regard.
>
> "The Council urges the Secretariat to work with all partners to ensure the availability of well-trained, experienced and geographically diverse mediation experts at all levels to

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[339] S/PRST/2009/8.

[340] S/2009/189.

ensure the timely and highest quality support to mediation efforts, and it urges those possessing cadres of mediation experts to cooperate with the Secretariat in this endeavour.

"The Council further requests the Secretary-General to work in partnership with Member States, regional and subregional organizations and other relevant partners in a coordinated and mutually complementary manner when cooperating in a mediation process.

"The Council notes with concern the very low numbers of women in formal roles in mediation processes, and stresses the need to ensure that women are appropriately appointed at decision-making levels, as high-level mediators, and within the composition of the mediators' teams in line with resolutions 1325 (2000) and 1820 (2008). It reiterates its call to the Secretary-General and the heads of regional and subregional organizations to take the appropriate measures to that end.

"The Council requests the Secretary-General to keep it informed of the action undertaken by him in promoting and supporting mediation and the pacific settlement of disputes, ensuring coherence with the ongoing efforts to strengthen peacebuilding and peacekeeping."

B. Strengthening collective security through general regulation and reduction of armaments

Decisions

At its 6017th meeting, on 19 November 2008, the Security Council decided to invite the representatives of Algeria, Argentina, Armenia, Australia, Austria, Benin, Bolivia, Brazil, Canada, Chile (Special Envoy of the President and Chairman of the Foreign Affairs Committee of the Chamber of Deputies), Colombia, Ecuador, Guatemala, Japan, Mexico, Morocco, Nigeria, Norway, Pakistan, Qatar, Spain, Switzerland and the United Republic of Tanzania to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Maintenance of international peace and security

> "Strengthening collective security through general regulation and reduction of armaments
>
> "Letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council (S/2008/697)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Sergio Duarte, High Representative for Disarmament Affairs.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Archbishop Celestino Migliore, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[341]

"The Security Council recalls its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security.

"The Council remains convinced of the necessity to strengthen international peace and security through, inter alia, disarmament, non-proliferation and arms control. It considers that the regulation and reduction of armaments and armed forces, as appropriate, constitutes one of the most important measures to promote international peace and security with the least diversion of the world's human and economic resources.

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[341] S/PRST/2008/43.

"The Council notes the importance of collective security and its impact on disarmament and development, and stresses its concern at increasing global military expenditure.

"The Council stresses the importance of appropriate levels of military expenditure, in order to achieve undiminished security for all at the lowest appropriate level of armaments. It urges all States to devote as many resources as possible to economic and social development, in particular in the fight against poverty and the achievement of the Millennium Development Goals.

"The Council affirms the 2005 World Summit Outcome,[342] in which Heads of State and Government recognized that development, peace and security and human rights are interlinked and mutually reinforcing.

"The Council stresses the vital importance of an effective multilateral system to better address, in accordance with international law, the multifaceted and interconnected challenges and threats confronting our world and to achieve progress in the areas of peace and security, development and human rights, which are the pillars of the United Nations system and the foundations for collective security and well-being. It also expresses its support for multilateralism as one of the most important means for resolving security concerns in accordance with international law.

"The Council expresses its support for national, bilateral, regional and multilateral measures adopted by Governments aimed at reducing military expenditure, where appropriate, thereby contributing to strengthening regional and international peace and security.

"The Council underlines the importance of promoting norm-setting in accordance with international law, as part of the efforts to strengthen non-proliferation, disarmament and arms control measures, as well as the importance of compliance with and reinforcing of the existing agreements, conventions and treaties which relate to these matters and international peace and security.

"The Council reiterates that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter can improve collective security and therefore should be continuously strengthened. In this regard, it underlines the importance of strengthening the capacity of such organizations in conflict prevention, crisis management, armaments control and in supporting States recovering from conflict and laying the foundation for sustainable peace and development.

"The Council recalls the obligation of all States to accept and carry out its decisions in accordance with Article 25 of the Charter and affirms its commitment to continue monitoring and promoting the effective implementation of its decisions, in order to avoid conflict, promote and maintain international peace and security and further confidence in collective security.

"The Council calls upon Member States, regional and subregional organizations, the Secretariat and the competent United Nations funds and programmes, as appropriate, to make further efforts to preserve, facilitate, develop and strengthen international and regional cooperation in the areas of arms control, non-proliferation and disarmament, through, inter alia, further implementation, development and strengthening of relevant agreements and instruments.

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[342] See General Assembly resolution 60/1.

"The Council intends to continue following this issue."

C. Respect for international humanitarian law

Decision

At its 6078th meeting, held in private on 29 January 2009, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

"At its 6078th meeting, held in private on 29 January 2009, the Security Council considered the item entitled 'Maintenance of international peace and security: respect for international humanitarian law'.

"The President, with the consent of the Council, invited the representatives of Australia, Azerbaijan, Belgium, Burundi, Canada, Cuba, the Czech Republic, Egypt, Estonia, Ethiopia, Finland, Germany, Greece, Indonesia, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Malaysia, Morocco, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Sweden, Switzerland and Ukraine to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter of the United Nations and rule 37 of the provisional rules of procedure of the Council.

"In accordance with the provisional rules of procedure of the Council and the previous practice, the President, with the consent of the Council, invited the Permanent Observer of Palestine to the United Nations to participate in the meeting.

"In accordance with the understanding reached in the Council's prior consultations, the President, with the consent of the Council, extended an invitation under rule 39 of the provisional rules of procedure of the Council to the Permanent Observer of the Holy See to the United Nations.

"In accordance with the understanding reached in the Council's prior consultations, the President, with the consent of the Council, also extended invitations under rule 39 of the provisional rules of procedure of the Council to Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel; Mr. Pierre Bertrand, Director of the New York Office of the Office of the United Nations High Commissioner for Refugees; Ms. Jessica Neuwirth, Director of the New York Office of the Office of the United Nations High Commissioner for Human Rights; and Mr. Hansjoerg Strohmeyer, Chief of the Policy Development and Studies Branch of the Office for the Coordination of Humanitarian Affairs of the Secretariat.

"In accordance with the understanding reached in the Council's prior consultations, the President, with the consent of the Council, further extended an invitation under rule 39 of the provisional rules of procedure of the Council to Mr. Dominique Buff, Head of the Delegation of the International Committee of the Red Cross to the United Nations.

"Members of the Council, Ms. O'Brien, Mr. Buff, Mr. Bertrand, Ms. Neuwirth and Mr. Strohmeyer had an exchange of views."

THE SITUATION IN CHAD, THE CENTRAL AFRICAN REPUBLIC AND THE SUBREGION[343]

Decisions

At its 5976th meeting, on 19 September 2008, the Security Council decided to invite the representatives of the Central African Republic (Minister for Foreign Affairs) and Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Chad, the Central African Republic and the subregion
>
> > "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/601)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. José Victor da Silva Ângelo, Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the United Nations Mission in the Central African Republic and Chad.

At its 5980th meeting, on 24 September 2008, the Council decided to invite the representative of Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "The situation in Chad, the Central African Republic and the subregion".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Javier Solana, High Representative of the European Union.

At its 5981st meeting, on 24 September 2008, the Council decided to invite the representative of Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

> "The situation in Chad, the Central African Republic and the subregion
>
> > "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/601 and Add.1)".

Resolution 1834 (2008)
of 24 September 2008

The Security Council,

Recalling its resolutions and the statements by its President concerning Chad, the Central African Republic and the subregion, including resolution 1778 (2007) of 25 September 2007, and its resolutions 1769 (2007) of 31 July 2007 and 1828 (2008) of 31 July 2008,

Reaffirming its commitment to the sovereignty, unity, territorial integrity and political independence of Chad and the Central African Republic, and to the cause of peace in the region,

Reiterating its concern at the humanitarian and security repercussions in eastern Chad and the north-eastern Central African Republic of the ongoing violence in Darfur,

Deeply concerned at the activities of armed groups and other attacks in eastern Chad, the north-eastern Central African Republic and western Sudan, which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law,

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[343] Resolutions or decisions on this question were first adopted by the Security Council in 2007.

Stressing that a proper settlement of the Darfur issue and an improvement of relations between the Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region,

Reiterating its full support for the efforts of the Secretary-General and of the African Union, through the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé, to revive the peace process begun by the Darfur Peace Agreement, consolidate the ceasefire and reinforce the peacekeeping presence in Darfur,

Reaffirming that any attempt at destabilization through violent means or seizing power by force is unacceptable,

Reaffirming also its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel and its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict,

Reaffirming further its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, taking note of the report of the Secretary-General on children and armed conflict in Chad[344] and the recommendations contained therein, and recalling the conclusions regarding Chad adopted by its Working Group on Children and Armed Conflict,[345]

Recognizing that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories,

Bearing in mind the Convention relating to the Status of Refugees of 28 July 1951[346] and the Protocol thereto, of 31 January 1967,[347] along with the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 10 September 1969,[348]

Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps by armed groups,

Welcoming the deployment by the European Union of its operation in eastern Chad and Central African Republic (EUFOR Chad/Central African Republic), noting that the European Union declared the initial operational capacity of its operation on 15 March 2008, and recalling that, according to resolution 1778 (2007), the mandate of EUFOR Chad/Central African Republic therefore runs until 15 March 2009,

Welcoming also the selection and training by the United Nations Mission in the Central African Republic and Chad of the first group of police and gendarmerie officers of the Détachement intégré de sécurité (previously referred to as the Police tchadienne pour la protection humanitaire), and stressing the need to expedite the deployment of the Détachement intégré de sécurité,

Having examined the report of the Secretary-General of 12 September 2008[349] and the recommendations contained therein on the arrangements for following up EUFOR Chad/Central African Republic at the end of its mandate,

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[344] S/2008/532.

[345] S/AC.51/2007/16.

[346] United Nations, *Treaty Series*, vol. 189, No. 2545.

[347] Ibid., vol. 606, No. 8791.

[348] Ibid., vol. 1001, No. 14691.

[349] S/2008/601.

Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security,

1. *Decides* to extend until 15 March 2009 the mandate of the United Nations Mission in the Central African Republic and Chad, as set out in resolution 1778 (2007);

2. *Calls upon* the Secretary-General to complete the deployment of the Mission as soon as possible, and upon the Government of Chad, with the support of the Mission according to its mandate, to carry out the full deployment of the Détachement intégré de sécurité expeditiously;

3. *Invites* donors to continue to contribute to the Mission trust fund, established to support the Détachement intégré de sécurité;

4. *Expresses its intention* to extend beyond the date referred to in paragraph 1 above the multidimensional presence established in Chad and the Central African Republic to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, and to this end expresses its intention to authorize the deployment of a United Nations military component to follow up EUFOR Chad/Central African Republic in both Chad and the Central African Republic, taking fully into account the recommendations contained in the report of the Secretary-General referred to in paragraph 8 below and in consultation with the Governments of those countries;

5. *Requests* the Secretary-General, in close cooperation with the European Union, to continue planning and to initiate the force generation and logistical, administrative, financial and other necessary arrangements with a view to a transfer of authority, including in the north-eastern Central African Republic, between EUFOR Chad/Central African Republic and the United Nations military component referred to in paragraph 4 above on 15 March 2009, subject to a new decision of the Security Council;

6. *Encourages* the Governments of Chad and the Central African Republic to continue to cooperate with the United Nations and the European Union to facilitate the smooth transition from EUFOR Chad/Central African Republic to the United Nations military component;

7. *Encourages* troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities;

8. *Requests* the Secretary-General to submit a new report by 15 November 2008 on progress towards the full deployment of the Mission and the Détachement intégré de sécurité and on updating the planning and conducting preparations referred to in paragraphs 4 and 5 above, including options on the size, structure and mandate of the proposed United Nations military presence in the north-eastern Central African Republic to take over the EUFOR Chad/Central African Republic presence;

9. *Also requests* the Secretary-General to continue to report regularly, and at least every three months, on the security and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, on progress towards the objective of helping to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons and on the implementation of the mandate of the Mission;

10. *Expresses its intention* to adopt the decision referred to in paragraphs 4 and 5 above by 15 December 2008;

11. *Encourages* the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, looks forward to the implementation of the commitment of the Sudan and Chad to restore diplomatic ties with a view to fully normalizing their relations, and welcomes the role played in particular by the regional

Stressing that a proper settlement of the Darfur issue and an improvement of relations between the Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region,

Reiterating its full support for the efforts of the Secretary-General and of the African Union, through the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibrill Yipènè Bassolé, to revive the peace process begun by the Darfur Peace Agreement, consolidate the ceasefire and reinforce the peacekeeping presence in Darfur,

Reaffirming that any attempt at destabilization through violent means or seizing power by force is unacceptable,

Reaffirming also its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel and its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict,

Reaffirming further its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, taking note of the report of the Secretary-General on children and armed conflict in Chad[344] and the recommendations contained therein, and recalling the conclusions regarding Chad adopted by its Working Group on Children and Armed Conflict,[345]

Recognizing that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories,

Bearing in mind the Convention relating to the Status of Refugees of 28 July 1951[346] and the Protocol thereto, of 31 January 1967,[347] along with the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 10 September 1969,[348]

Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps by armed groups,

Welcoming the deployment by the European Union of its operation in eastern Chad and Central African Republic (EUFOR Chad/Central African Republic), noting that the European Union declared the initial operational capacity of its operation on 15 March 2008, and recalling that, according to resolution 1778 (2007), the mandate of EUFOR Chad/Central African Republic therefore runs until 15 March 2009,

Welcoming also the selection and training by the United Nations Mission in the Central African Republic and Chad of the first group of police and gendarmerie officers of the Détachement intégré de sécurité (previously referred to as the Police tchadienne pour la protection humanitaire), and stressing the need to expedite the deployment of the Détachement intégré de sécurité,

Having examined the report of the Secretary-General of 12 September 2008[349] and the recommendations contained therein on the arrangements for following up EUFOR Chad/Central African Republic at the end of its mandate,

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[344] S/2008/532.

[345] S/AC.51/2007/16.

[346] United Nations, *Treaty Series*, vol. 189, No. 2545.

[347] Ibid., vol. 606, No. 8791.

[348] Ibid., vol. 1001, No. 14691.

[349] S/2008/601.

Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security,

1. *Decides* to extend until 15 March 2009 the mandate of the United Nations Mission in the Central African Republic and Chad, as set out in resolution 1778 (2007);

2. *Calls upon* the Secretary-General to complete the deployment of the Mission as soon as possible, and upon the Government of Chad, with the support of the Mission according to its mandate, to carry out the full deployment of the Détachement intégré de sécurité expeditiously;

3. *Invites* donors to continue to contribute to the Mission trust fund, established to support the Détachement intégré de sécurité;

4. *Expresses its intention* to extend beyond the date referred to in paragraph 1 above the multidimensional presence established in Chad and the Central African Republic to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, and to this end expresses its intention to authorize the deployment of a United Nations military component to follow up EUFOR Chad/Central African Republic in both Chad and the Central African Republic, taking fully into account the recommendations contained in the report of the Secretary-General referred to in paragraph 8 below and in consultation with the Governments of those countries;

5. *Requests* the Secretary-General, in close cooperation with the European Union, to continue planning and to initiate the force generation and logistical, administrative, financial and other necessary arrangements with a view to a transfer of authority, including in the north-eastern Central African Republic, between EUFOR Chad/Central African Republic and the United Nations military component referred to in paragraph 4 above on 15 March 2009, subject to a new decision of the Security Council;

6. *Encourages* the Governments of Chad and the Central African Republic to continue to cooperate with the United Nations and the European Union to facilitate the smooth transition from EUFOR Chad/Central African Republic to the United Nations military component;

7. *Encourages* troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities;

8. *Requests* the Secretary-General to submit a new report by 15 November 2008 on progress towards the full deployment of the Mission and the Détachement intégré de sécurité and on updating the planning and conducting preparations referred to in paragraphs 4 and 5 above, including options on the size, structure and mandate of the proposed United Nations military presence in the north-eastern Central African Republic to take over the EUFOR Chad/Central African Republic presence;

9. *Also requests* the Secretary-General to continue to report regularly, and at least every three months, on the security and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, on progress towards the objective of helping to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons and on the implementation of the mandate of the Mission;

10. *Expresses its intention* to adopt the decision referred to in paragraphs 4 and 5 above by 15 December 2008;

11. *Encourages* the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, looks forward to the implementation of the commitment of the Sudan and Chad to restore diplomatic ties with a view to fully normalizing their relations, and welcomes the role played in particular by the regional

contact group, the Governments of the Libyan Arab Jamahiriya and the Republic of the Congo as African co-mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the Mission, in support of the Dakar process;

12. *Demands* that armed groups cease violence immediately, and urges all parties in Chad and the Central African Republic respectively to respect and implement the Sirte Agreement of 25 October 2007 and the comprehensive peace agreement signed at Libreville on 21 June 2008;

13. *Encourages* the authorities and political stakeholders in Chad and the Central African Republic to continue to pursue their efforts at national dialogue, with respect for the constitutional frameworks, notes the positive efforts of the Government of Gabon to support a national dialogue in the Central African Republic, emphasizes also the importance of the political agreement for the reinforcement of the democratic process, signed at N'Djamena on 13 August 2007, and encourages the parties to proceed with its implementation;

14. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 5981st meeting.

Decisions

At its 6042nd meeting, on 12 December 2008, the Security Council decided to invite the representatives of the Central African Republic and Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. José Victor da Silva Ângelo, Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the United Nations Mission in the Central African Republic and Chad.

At its 6064th meeting, on 14 January 2009, the Council decided to invite the representatives of the Central African Republic and Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760 and Add.1)".

Resolution 1861 (2009)
of 14 January 2009

The Security Council,

Recalling its resolutions and the statements by its President concerning Chad, the Central African Republic and the subregion, including resolutions 1778 (2007) of 25 September 2007 and 1834 (2008) of 24 September 2008, and its resolution 1769 (2007) of 31 July 2007,

Reaffirming its commitment to the sovereignty, unity, territorial integrity and political independence of Chad and the Central African Republic, and to the cause of peace in the region,

Reiterating its concern at the humanitarian and security repercussions in eastern Chad and the north-eastern Central African Republic of the ongoing violence in Darfur,

Deeply concerned at armed activities and banditry in eastern Chad, the north-eastern Central African Republic and western Sudan, which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law,

Welcoming the recent resumption of diplomatic relations between the Governments of Chad and the Sudan and the efforts of the Government of the Libyan Arab Jamahiriya to promote it, and stressing that a further improvement of relations between the Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region,

Stressing that a proper settlement of the Darfur issue, the full implementation of the Sirte and Libreville agreements and the efforts at national political dialogue in Chad and the Central African Republic will contribute to long-term peace and stability in the region and to the voluntary, secure and sustainable return of refugees and internally displaced persons,

Reiterating its full support for the efforts of the Secretary-General, the African Union and regional actors to find solutions to the armed conflicts in the region,

Reaffirming that any attempt at destabilization through violent means or seizing power by force is unacceptable,

Reaffirming also its resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women and peace and security, its resolution 1502 (2003) of 26 August 2003 on the protection of humanitarian and United Nations personnel and its resolution 1674 (2006) of 28 April 2006 on the protection of civilians in armed conflict,

Reaffirming further its resolution 1612 (2005) of 26 July 2005 on children and armed conflict, taking note of the report of the Secretary-General on children and armed conflict in Chad[344] and the recommendations contained therein, and recalling the conclusions regarding Chad adopted by its Working Group on Children and Armed Conflict, as approved by the Council,[350]

Recognizing that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories,

Bearing in mind the Convention relating to the Status of Refugees of 28 July 1951[346] and the Protocol thereto, of 31 January 1967,[347] along with the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 10 September 1969,[348]

Emphasizing the need to respect international refugee law, preserve the civilian and humanitarian nature of refugee camps and internally displaced persons sites and prevent any recruitment of individuals, including children, which might be carried out in or around the camps and sites by armed groups,

Recalling its authorization under resolution 1778 (2007) of a multidimensional presence in the regions of eastern Chad and the north-eastern Central African Republic indicated in paragraph 37 of the report of the Secretary-General of 10 August 2007[351] (hereinafter referred to as "eastern Chad and the north-eastern Central African Republic"),

Commending the deployment by the European Union of an operation (EUFOR Chad/Central African Republic) to support the United Nations Mission in the Central African Republic and Chad, and recalling that the mandate of EUFOR Chad/Central African Republic runs until 15 March 2009,

Welcoming the ongoing selection and training by the Mission of police and gendarmerie officers of the Détachement intégré de sécurité, and stressing the need to expedite the deployment of the Détachement intégré de sécurité,

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[350] S/AC.51/2008/15.

[351] S/2007/488.

Having examined the report of the Secretary-General of 4 December 2008[352] (hereinafter referred to as "the report of the Secretary-General") and the recommendations contained therein on the arrangements for following up EUFOR Chad/Central African Republic at the end of its mandate,

Welcoming the letter dated 6 January 2009 from the President of Chad and the letter dated 5 December 2008 from the President of the Central African Republic regarding the deployment of a military component of the Mission in both countries to follow up EUFOR Chad/Central African Republic at the end of its mandate,

Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security,

1. *Decides* to extend for a period of twelve months, in accordance with paragraphs 2 to 7 below, the multidimensional presence in Chad and the military presence in the Central African Republic intended to help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas;

2. *Also decides*, for that purpose, to extend until 15 March 2010 the mandate of the United Nations Mission in the Central African Republic and Chad, as set out in paragraphs 6 and 7 below;

3. *Authorizes* the deployment of a military component of the Mission to follow up EUFOR Chad/Central African Republic in both Chad and the Central African Republic at the end of its mandate, welcomes the concept of operations proposed in paragraphs 57 to 61 and in option 2 in paragraph 62 of the report of the Secretary-General of 4 December 2008,[352] and decides that the transfer of authority between EUFOR Chad/Central African Republic and the military component of the Mission shall take place on 15 March 2009;

4. *Decides* that the Mission shall include a maximum of 300 police officers, 25 military liaison officers, 5,200 military personnel and an appropriate number of civilian personnel;

5. *Recalls* that in paragraph 5 of resolution 1778 (2007), it endorsed the police concept referred to in the report of the Secretary-General of 10 August 2007,[351] including the provisions regarding the establishment of the Police tchadienne pour la protection humanitaire, now the Détachement intégré de sécurité, which is dedicated exclusively to maintaining law and order in refugee camps, sites with concentrations of internally displaced persons and key towns in neighbouring areas and to assisting in securing humanitarian activities in eastern Chad;

6. *Decides* that the Mission shall have the following mandate in eastern Chad and the north-eastern Central African Republic, in liaison with the United Nations country team and, as appropriate, in liaison with the United Nations Peacebuilding Support Office in the Central African Republic and without prejudice to the mandate of the Office:

Security and protection of civilians

(*a*) To select, train, advise and facilitate support to elements of the Détachement intégré de sécurité referred to in paragraph 5 above;

(*b*) To liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment, combating in particular the problems of banditry and criminality;

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[352] S/2008/760.

(*c*) To liaise with the Government of Chad and the Office of the United Nations High Commissioner for Refugees in support of their efforts to relocate refugee camps which are in close proximity to the border, and to provide to the Office of the High Commissioner, on availability and on a cost-reimbursable basis, logistical assistance for that purpose;

(*d*) To liaise with the Government of the Sudan, the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Peacebuilding Support Office in the Central African Republic, the multinational force of the Economic Community of Central African States in the Central African Republic and the Community of Sahel-Saharan States to exchange information on threats to humanitarian activities in the region;

(*e*) To support the initiatives of national and local authorities in Chad to resolve local tensions and promote local reconciliation efforts, in order to enhance the environment for the return of internally displaced persons;

Human rights and the rule of law

(*f*) To contribute to the monitoring and to the promotion and protection of human rights in Chad, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities with a view to fighting impunity;

(*g*) To support, within its capabilities, efforts aimed at strengthening the capacity of the Government of Chad and civil society through training in international human rights standards, and efforts to put an end to the recruitment and use of children by armed groups;

(*h*) To assist the Government of Chad in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies;

Regional peace support

(*i*) To continue to play a role as observer, with UNAMID, in the Contact Group that was established under the Dakar Agreement of 13 March 2008 to monitor its implementation and assist, as necessary, the Governments of Chad, the Sudan and the Central African Republic to build good-neighbourly relations;

7. Acting under Chapter VII of the Charter of the United Nations,

(*a*) *Decides* that the Mission shall be authorized to take all necessary measures, within its capabilities and its area of operations in eastern Chad, to fulfil the following functions, in liaison with the Government of Chad:

(i) To contribute to protecting civilians in danger, particularly refugees and internally displaced persons;

(ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(*b*) *Decides also* that the Mission shall be authorized to take all necessary measures, within its capabilities and its area of operations in the north-eastern Central African Republic, to fulfil the following functions, by establishing a permanent military presence in Birao and in liaison with the Government of the Central African Republic:

(i) To contribute to the creation of a more secure environment;

(ii) To execute operations of a limited character in order to extract civilians and humanitarian workers in danger;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(*c*) *Notes* the agreements entered into by the Secretary-General and the Governments of Chad and the Central African Republic on the status of the Mission, of 21 March 2008 and 21 November 2008 respectively, requests the Secretary-General and both Governments to conclude, prior to 15 March 2009, amendments to those agreements to ensure that they fully cover the Mission, including its military component authorized by the present resolution, taking into account General Assembly resolution 59/47 of 2 December 2004 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, Assembly resolution 60/42 of 8 December 2005 on the Optional Protocol to the Convention and Assembly resolution 63/138 of 11 December 2008 on the safety and security of humanitarian personnel and the protection of United Nations personnel, and decides that the model status-of-forces agreement of 9 October 1990[353] shall apply provisionally to supplement the existing agreements pending their amendment;

8. *Requests* the Secretary-General and the Governments of Chad and the Central African Republic to cooperate closely throughout the period of deployment of the Mission;

9. *Recalls* that it authorized the European Union operation, after 15 March 2009, to take all appropriate measures to achieve an orderly disengagement, by means including the fulfilment of the functions indicated in paragraph 6 (*a*) of resolution 1778 (2007), within the limits of its residual capacity;

10. *Requests* the European Union and the Secretary-General to continue to cooperate closely throughout the period of deployment of the European Union operation, until its complete disengagement;

11. *Underscores* the importance that the military concept of operations and rules of engagement be fully in line with the provisions of the present resolution, and requests the Secretary-General to report on them to the Security Council and troop-contributing countries;

12. *Encourages* the Governments of Chad and the Central African Republic to continue to cooperate with the United Nations and the European Union to facilitate the smooth transition from EUFOR Chad/Central African Republic to the United Nations military component, including the handover of all sites and infrastructure established by EUFOR Chad/Central African Republic to the United Nations follow-on presence;

13. *Calls upon* the Government of Chad, and the Mission according to its mandate, to expedite and complete the selection, training and deployment of the Détachement intégré de sécurité;

14. *Encourages* Member States to contribute the necessary force requirements for the Mission, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities;

15. *Urges* all Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the Mission, and the European Union operation until its complete disengagement;

16. *Invites* donors to continue to contribute to the Mission trust fund, established to support the Détachement intégré de sécurité;

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[353] A/45/594, annex.

17. *Exhorts* the donor community to sustain its efforts to address the humanitarian, reconstruction and development needs of Chad and the Central African Republic;

18. *Calls upon* all parties to cooperate fully in the deployment and operations of the Mission, and the European Union operation until its complete disengagement, including by guaranteeing the security and freedom of movement of their personnel and associated personnel;

19. *Encourages* the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others, to cooperate actively with a view to implementing the Dakar Agreement of 13 March 2008 and previous agreements, and to cooperate with a view to putting an end to the activities of armed groups in the region and their attempts to seize power by force, and welcomes the role played in particular by the Dakar Agreement Contact Group, the Governments of the Libyan Arab Jamahiriya and the Republic of the Congo as African Union mediators, as well as the African Union and the United Nations, including through the Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the Mission, in support of the Dakar process;

20. *Demands* that armed groups cease violence immediately, and urges all parties in Chad and the Central African Republic, respectively, to respect and implement the Sirte Agreement of 25 October 2007 and the comprehensive peace agreement signed at Libreville on 21 June 2008;

21. *Encourages* the authorities and political stakeholders in Chad and the Central African Republic to continue to pursue their efforts at national dialogue, with respect for the constitutional frameworks, welcomes the holding of the inclusive political dialogue in the Central African Republic, with the support of the dialogue Chair, Mr. Pierre Buyoya, and the regional peace facilitator, President Omar Bongo Ondimba of Gabon, and the conclusion of the inclusive political dialogue that calls for a government gathering the entities participating in the dialogue, emphasizes also the importance of the political agreement for the reinforcement of the democratic process signed at N'Djamena on 13 August 2007, and encourages the parties to proceed with its implementation, in particular with a view to holding early elections;

22. *Reaffirms* the obligation of all parties to implement fully the rules and principles of international humanitarian law, particularly those regarding the protection of humanitarian personnel, and furthermore requests all the parties involved to provide humanitarian personnel with immediate, free and unimpeded access to all persons in need of assistance, in accordance with applicable international law;

23. *Encourages* efforts by the Mission and the United Nations country team, including through the appointment of child protection advisers, to prevent the recruitment of refugees and children and to maintain the civilian nature of refugee camps and internally displaced persons sites, in coordination with the Détachement intégré de sécurité and the humanitarian community;

24. *Takes note* of the measures already undertaken by the authorities of Chad to put an end to the recruitment and use of children by armed groups, encourages them to pursue their cooperation with United Nations bodies in this regard, particularly the United Nations Children's Fund, and calls upon all the parties involved to ensure that children are protected;

25. *Endorses* the benchmarks presented in paragraph 70 of the report of the Secretary-General of 4 December 2008 towards the exit strategy of the Mission, and stresses in particular the following:

(*a*) Voluntary return and resettlement in secure and sustainable conditions of a critical mass of internally displaced persons;

(*b*) Demilitarization of refugee and internally displaced persons camps as evidenced by a decrease in arms, violence and human rights abuses;

(*c*) Improvement in the capacity of Chadian authorities in eastern Chad, including national law enforcement agencies, the judiciary and the prison system, to provide the necessary security for refugees, internally displaced persons, civilians and humanitarian workers, with respect for international human rights standards;

26. *Stresses* that an improved capacity of the Government of the Central African Republic to exercise its authority in the north-eastern part of the country is also critical to the fulfilment of the objectives of the Mission as set out in paragraph 1 above, and calls upon the Government of the Central African Republic, Member States, the United Nations Peacebuilding Support Office in the Central African Republic, United Nations agencies and the Peacebuilding Commission to provide the necessary support to the reform of the security sector in the Central African Republic;

27. *Also stresses* that improved cooperation between the Sudan, Chad and the Central African Republic with a view to putting an end to the activities of armed groups in the region is also critical to the restoration of peace and security in eastern Chad and the north-eastern Central African Republic;

28. *Requests* the Secretary-General to continue to report regularly, and at least every three months, on the security and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, on progress in the implementation of the relevant agreements, on progress towards the fulfilment of the benchmarks in paragraphs 25 and 26 above, and on the implementation of the mandate of the Mission, and to provide to the Council, with the same regularity, a specific update on the military situation;

29. *Also requests* the Secretary-General to inform the Council in his upcoming reports on the development of a strategic workplan containing indicative timelines to measure and track progress on the implementation of the benchmarks in paragraphs 25 and 26 above, with a view to meeting them by 15 March 2011;

30. *Stresses* that it will take duly into account progress against those benchmarks when considering the possible renewal of the mandate of the Mission beyond 15 March 2010;

31. *Decides* to remain actively seized of the matter.

Adopted unanimously at the 6064th meeting.

Decisions

On 3 March 2009, the President of the Security Council addressed the following letter to the Secretary-General:[354]

> "I have the honour to inform you that your letter dated 27 February 2009 concerning your intention to appoint Major General Elhadji Mouhamedou Kandji, of Senegal, as Force Commander of the United Nations Mission in the Central African Republic and Chad[355] has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter."

At its 6111th meeting, on 24 April 2009, the Council decided to invite the representatives of the Central African Republic, Chad and the Czech Republic to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2009/199)".

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[354] S/2009/122.

[355] S/2009/121.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations.

At its 6121st meeting, on 8 May 2009, the Council decided to invite the representatives of Chad and the Sudan to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Letter dated 6 May 2009 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2009/232)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Dmitry Titov, Officer-in-Charge of the Department of Peacekeeping Operations of the Secretariat.

At its 6122nd meeting, on 8 May 2009, the Council decided to invite the representative of Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Letter dated 6 May 2009 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2009/232)".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[356]

> "The Security Council condemns the renewed military incursions in eastern Chad of Chadian armed groups coming from outside.
>
> "The Council stresses that any attempt at destabilization of Chad by force is unacceptable. It recalls the terms of the statements by its President of 4 February[357] and 16 June 2008.[358] It reiterates its commitment to the sovereignty, unity, territorial integrity and political independence of Chad. It demands that rebel armed groups cease violence immediately and calls upon all parties to re-engage in dialogue within the framework of the Sirte Agreement of 25 October 2007.
>
> "The Council calls upon the Sudan and Chad to respect and fully implement their mutual commitments, in particular in the Doha Agreement of 3 May 2009 and the Dakar Agreement of 13 March 2008, and to engage constructively with the Dakar Agreement Contact Group and the good offices of the Libyan Arab Jamahiriya and Qatar, to normalize their relations, to cooperate to put an end to cross-border activities of armed groups and to strengthen actions to combat illicit arms trafficking in the region, including through the establishment of an effective joint border monitoring. The Council expresses its concern at the external support received by Chadian armed groups, as reported by the Secretary-General.
>
> "The Council expresses deep concern at the direct threat the activity of armed groups poses for the safety of the civilian population and the conduct of humanitarian operations. It reiterates its full support for the United Nations Mission in the Central African Republic and Chad, which is mandated to contribute to protecting vulnerable civilians, including refugees and internally displaced persons, to protect United Nations and associated personnel and to facilitate the delivery of humanitarian assistance.

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[356] S/PRST/2009/13.

[357] S/PRST/2008/3.

[358] S/PRST/2008/22.

"The Council calls upon all parties to abide by their obligations under international humanitarian law, in particular to respect the security of civilians, including women and children, humanitarian workers and United Nations personnel.

"The Council encourages the Chadian authorities in promoting political dialogue, with respect for the constitutional framework, as initiated in the agreement of 13 August 2007."

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[359]

At its 6172nd meeting, on 28 July 2009, the Council decided to invite the representatives of the Central African Republic and Chad to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"The situation in Chad, the Central African Republic and the subregion

> "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2009/359)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. José Victor da Silva Ângelo, Special Representative of the Secretary-General for the Central African Republic and Chad and Head of the United Nations Mission in the Central African Republic and Chad.

PEACE AND SECURITY IN AFRICA[360]

A. General issues

Decisions

At its 6092nd meeting, on 18 March 2009, the Security Council decided to invite the representatives of Algeria, Argentina, Australia, Bangladesh, Benin, Brazil, Canada, the Congo, Cuba, the Czech Republic, Egypt, Italy, Kenya, Nigeria, Norway and South Africa (Minister for Foreign Affairs) to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Peace and security in Africa

> "Identical letters dated 24 December 2008 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council (S/2008/813)".

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. Romano Prodi, Chairman of the African Union-United Nations panel on modalities for support to African Union operations.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council further decided to extend invitations, under rule 39 of its provisional rules of procedure, to Mr. Ramtane Lamamra, Commissioner for Peace and Security of the African Union, and Mr. Edouard Aho-Glele, Chairperson of the Peace and Security Council of the African Union.

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[359] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

[360] Resolutions or decisions on this question were first adopted by the Security Council in 2007.

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[361]

> "The Security Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security and consistent with Chapter VIII of the Charter of the United Nations, can improve collective security.
>
> "The Council recalls its previous relevant resolutions and statements which underscore the importance of developing effective partnerships between the United Nations and regional organizations, in particular the African Union, in accordance with the Charter and the relevant statutes of the regional organizations, in particular the African Union.
>
> "The Council welcomes the continuing important efforts of the African Union to settle conflicts on the African continent, and expresses its support for peace initiatives conducted by the African Union.
>
> "The Council reaffirms its resolution 1809 (2008), in which it recognizes the need to enhance the predictability, sustainability and flexibility of financing for regional organizations when they undertake peacekeeping under a United Nations mandate.
>
> "The Council recognizes that regional organizations have the responsibility to secure human, financial, logistical and other resources for their organizations.
>
> "The Council underscores the importance of supporting and improving, in a sustained way, the capacity of the African Union, and welcomes recent developments regarding cooperation between the United Nations, the African Union and international partners, including the enhancement of the African Union capacities.
>
> "The Council welcomes the efforts of the African Union-United Nations panel in producing a report on modalities to support African Union peacekeeping operations. The Council notes with interest the report of the panel.[362]
>
> "The Council requests the Secretary-General to submit a report, no later than 18 September 2009, on practical ways to provide effective support for the African Union when it undertakes peacekeeping operations authorized by the United Nations, that includes a detailed assessment of the recommendations contained in the report of the African Union-United Nations panel, in particular those on financing, as well as on the establishment of a joint African Union-United Nations team.
>
> "The Council further requests the Secretary-General to take into account in his report the lessons learned from past and current African Union peacekeeping efforts, in particular the African Union-United Nations Hybrid Operation in Darfur (UNAMID), and the efforts to provide a logistical support package for the African Union Mission in Somalia and the establishment of the trust fund called for in Council resolution 1863 (2009).
>
> "The Council underlines the importance of implementing the Ten-Year Capacity Building Programme for the African Union on peace and security, in particular the operationalization of the African Standby Force and the Continental Early Warning System. The Council stresses its support for ongoing efforts to strengthen the African Peace and Security Architecture and reiterates its call for the international community, particularly donors, to fulfill their commitments in the 2005 World Summit Outcome.[363]
>
> "The Council emphasizes the importance of establishing more effective strategic relationships between the United Nations Security Council and the African Union Peace and Security Council and between the United Nations Secretariat and the African Union

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[361] S/PRST/2009/3.

[362] See S/2008/813.

[363] See General Assembly resolution 60/1.

> Commission, and encourages further joint efforts in this direction focusing on issues of mutual interest. The Security Council calls upon the Secretariat and the African Union Commission to further collaborate on issues of mutual interest, including by developing a list of the military, technical, logistical and administrative capacities that need developing, supporting regular follow-up missions, experience-sharing, staff exchanges, and in financial and logistical areas.
>
> "The Council expresses its intention to further consider this issue following the report of the Secretary-General."

At its 6118th meeting, on 5 May 2009, the Council considered the item entitled "Peace and security in Africa".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[364]

> "The Security Council expresses its deep concern over the resurgence of unconstitutional changes of government in a few African countries. The Council expresses its concern at the possible violence that may accompany such events, as well as the negative impact on the economic and social welfare of the people and the development of affected countries. The Council stresses the importance of expeditiously restoring constitutional order, including through open and transparent elections.
>
> "The Council reiterates its primary responsibility for the maintenance of international peace and security and recalls that cooperation with regional and subregional organizations, consistent with Chapter VIII of the Charter of the United Nations, can improve collective security.
>
> "The Council welcomes the continuing important efforts of the African Union and subregional organizations, consistent with Council resolutions and decisions, to settle conflicts and promote human rights, democracy, the rule of law and constitutional order in Africa.
>
> "The Council also welcomes the decision of the Assembly of the African Union at its twelfth ordinary session, held from 1 to 3 February 2009, in which it expressed the African Union's concern and condemnation of the resurgence of coups d'état, which it concluded not only constitute a dangerous political downturn and a serious setback to the democratic processes, but could also pose a threat to the peace, security and stability of the continent.[365]
>
> "The Council further welcomes preventive measures undertaken by the African Union and subregional organizations against unconstitutional changes of government."

In a letter dated 12 May 2009, the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Africa.[366]

B. Djibouti and Eritrea

Decisions

At its 6000th meeting, on 23 October 2008, the Security Council decided to invite the representatives of Djibouti (President) and Eritrea to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Peace and security in Africa

> "Note verbale dated 3 October 2008 from the Permanent Mission of Djibouti to the United Nations addressed to the President of the Security Council (S/2008/635)".

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[364] S/PRST/2009/11.

[365] See A/63/848, annex II, decision Assembly/AU/Dec.220 (XII).

[366] The letter, which was issued as a Security Council document under the symbol S/2009/243, has been reproduced on page 34 of the present volume. The mission took place from 14 to 21 May 2009 (see S/2009/303).

At its 6065th meeting, on 14 January 2009, the Council decided to invite the representatives of Djibouti and Eritrea to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Peace and security in Africa

> "Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/602)".

Resolution 1862 (2009)
of 14 January 2009

The Security Council,

Affirming its strong commitment to the sovereignty, independence, territorial integrity and unity of both Djibouti and Eritrea, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that in the statement by its President of 12 June 2008,[367] it condemned Eritrea's military action against Djibouti in Ras Doumeira and Doumeira Island and called upon the two parties to show maximum restraint and withdraw forces to the status quo ante,

Taking note of the letter dated 11 September 2008 from the Secretary-General to the President of the Security Council,[368] in which he transmitted the report of the fact-finding mission that he sent following the meeting of the Council held on 24 June 2008,[369]

Expressing its deep concern that, as mentioned in the report of the fact-finding mission referred to above, Eritrea has not withdrawn its forces to the status quo ante, as called for by the Council in the statement by its President of 12 June 2008,

Reiterating its serious concern at the absence of dialogue between the two parties and at the refusal of Eritrea so far to engage in dialogue, to accept bilateral contacts, mediation or facilitation efforts by subregional or regional organizations or to respond positively to the efforts of the Secretary-General,

Noting that Djibouti has withdrawn its forces to the status quo ante and has cooperated fully with the fact-finding mission mentioned above, as well as with other missions sent by subregional and regional organizations,

Taking note of the first visit to Asmara, since the conflict of June 2008, of the Chairperson of the African Union Commission in October 2008,

Expressing its deep concern about the continuing tense border dispute between Djibouti and Eritrea and over the possible impact of the grave and unstable security situation in the Doumeira area on subregional stability and security after the serious incidents of 10 June 2008, which led to dozens of dead and wounded,

1. *Urges* Djibouti and Eritrea to resolve their border dispute peacefully, as a matter of priority and in a manner consistent with international law, and emphasizes that it is the primary responsibility of the parties to set up the appropriate diplomatic and legal framework to this end;

2. *Reiterates its appreciation* for the efforts of the Secretary-General, the African Union and the League of Arab States to engage both parties, encourages them to strengthen their efforts in this regard, and also encourages regional and subregional organizations as well as Member States that are in a position to do so to provide their assistance to this end;

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[367] S/PRST/2008/20.

[368] S/2008/602.

[369] See S/PV.5924.

3. *Welcomes* the offer of good offices made by the Secretary-General, deeply regrets that Eritrea has continuously refused to grant visas to the members of the fact-finding mission mentioned above or to receive any envoy of the Secretary-General, and welcomes the continued readiness of the Secretary-General to send a fact-finding mission or an envoy to Eritrea;

4. *Also welcomes* the fact that Djibouti has withdrawn its forces to the status quo ante, as called for by the Security Council in the statement by its President of 12 June 2008[367] and as established by the fact-finding mission, and condemns the refusal of Eritrea to do so;

5. *Demands* that Eritrea:

(i) Withdraw its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) Acknowledge its border dispute with Djibouti in Ras Doumeira and Doumeira Island, engage actively in dialogue to defuse the tension and engage also in diplomatic efforts leading to a mutually acceptable settlement of the border issue;

(iii) Abide by its international obligations as a Member of the United Nations, respect the principles mentioned in Article 2, paragraphs 3, 4 and 5, and Article 33 of the Charter of the United Nations, and cooperate fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 above;

6. *Also demands* that Eritrea comply immediately with paragraph 5 above and, in any case, no later than five weeks after the adoption of the present resolution;

7. *Requests* the Secretary-General to provide to the Council a report on the evolution of the situation, on compliance by both parties with their obligations, and on his contacts with both parties and, as appropriate, with the African Union and other relevant regional organizations, no later than six weeks after the adoption of the present resolution;

8. *Decides* to review the situation six weeks from the adoption of the present resolution, on the basis of the report mentioned in paragraph 7 above, with a view to taking, as appropriate, a further decision;

9. *Decides also* to remain actively seized of the matter.

Adopted unanimously at the 6065th meeting.

C. Zimbabwe

Decision

At its 6044th meeting, held in private on 15 December 2008, the Security Council decided to authorize its President to issue through the Secretary-General the following communiqué, in accordance with rule 55 of the provisional rules of procedure of the Council:

> "At its 6044th meeting, held in private on 15 December 2008, the Security Council considered the item entitled 'Peace and security in Africa'.
>
> "The meeting was presided over by Mr. Ivo Sanader, Prime Minister of the Republic of Croatia, in his capacity as President of the Security Council.
>
> "The Secretary-General, Mr. Ban Ki-moon, made a statement.
>
> "Mr. David Miliband, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Ms. Condoleezza Rice, Secretary of State of the United States of America, and other members of the Council had an exchange of views."

D. Mauritania

Decisions

At its 5960th meeting, on 19 August 2008, the Security Council decided to invite the representative of Mauritania to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled "Peace and security in Africa".

At the same meeting, following consultations among members of the Security Council, the President made the following statement on behalf of the Council:[370]

> "The Security Council condemns the overthrow by the Mauritanian military of the democratically elected Government of Mauritania and welcomes the statements condemning the coup by the African Union, the European Union and other members of the international community.
>
> "The Council opposes any attempt to change government through unconstitutional means.
>
> "The Council condemns the actions of the State Council, in particular its move to seize the powers of the presidency.
>
> "The Council demands the immediate release of President Sidi Mohamed Ould Cheikh Abdallahi and the restoration of the legitimate, constitutional, democratic institutions immediately.
>
> "The Council recognizes the important role played by the African Union as well as the support of regional and international partners, including the Secretary-General of the United Nations, through his Special Representative for West Africa, Mr. Said Djinnit, and calls upon all to assist in restoring constitutional order in Mauritania.
>
> "The Council will monitor developments in this situation."

REQUEST OF PAKISTAN FOR THE ESTABLISHMENT OF A COMMISSION OF INQUIRY IN CONNECTION WITH THE ASSASSINATION OF THE FORMER PRIME MINISTER, MOHTARMA BENAZIR BHUTTO

Decision

On 3 February 2009, the President of the Security Council addressed the following letter to the Secretary-General:[371]

> "I have the honour to inform you that your letter dated 2 February 2009 concerning your intention to accede to the request of the Government of Pakistan and establish an international commission in connection with the assassination, on 27 December 2007, of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto,[372] has been brought to the attention of the members of the Security Council. They take note with appreciation of the intention expressed in your letter. On behalf of the members of the Council, I would like to confirm your intention to submit the report of the commission to the Council for information, as stated in the draft terms of reference for the proposed commission."[373]

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[370] S/PRST/2008/30.

[371] S/2009/68.

[372] S/2009/67.

[373] Ibid., annex.

Part II. Other matters considered by the Security Council

SECURITY COUNCIL DOCUMENTATION AND WORKING METHODS AND PROCEDURE

A. Implementation of the note by the President of the Security Council (S/2006/507)

Decision

At its 5968th meeting, on 27 August 2008, the Security Council decided to invite the representatives of Argentina, Australia, Austria, Belarus, Brazil, Canada, Cuba, Ecuador, Egypt, Germany, Guatemala, Iceland, India, Iran (Islamic Republic of), Japan, Jordan, Kazakhstan, Liechtenstein, Mexico, the Netherlands, New Zealand, Pakistan, the Philippines, Poland, the Republic of Korea, Singapore, Slovakia, Switzerland, Tonga and Uruguay to participate, without vote, in accordance with rule 37 of its provisional rules of procedure, in the discussion of the item entitled:

"Implementation of the note by the President of the Security Council (S/2006/507)

> "Letter dated 4 August 2008 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General (S/2008/528)".

B. General matters

Decisions

On 22 August 2008, the President of the Security Council issued the following note:[374]

"After consultations among the members of the Security Council, it was agreed to elect the Chairmen of the following committees for the period ending 31 December 2008:

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Chairman: Giulio Terzi di Sant'Agata (Italy)

Croatia and Panama will continue to serve as Vice-Chairmen for the said period.

Security Council Committee established pursuant to resolution 1718 (2006)

Chairman: Giulio Terzi di Sant'Agata (Italy)

Costa Rica and the Libyan Arab Jamahiriya will continue to serve as Vice-Chairmen for the said period."

On 18 December 2008, the President of the Security Council issued the following note:[375]

"Following consultations among the members of the Security Council, it has been agreed that the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, initially established on 1 March 2002 for a period of one year,[376] will continue its work until 31 December 2009."

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[374] S/2008/571.

[375] S/2008/795.

[376] See S/2002/207.

On 31 December 2008, the President of the Security Council issued the following note:[377]

"1. The present note by the President of the Security Council concerning the summary statement of matters of which the Security Council is seized (seizure statement) consolidates and revises the provisions of paragraph 49 of the annex to the note by the President dated 19 July 2006[378] and paragraphs 5 to 7 of the note by the President dated 19 December 2007.[379]

"2. Rule 11 of the provisional rules of procedure of the Security Council provides that the Secretary-General shall communicate each week to the representatives on the Council a summary statement of matters of which the Council is seized and of the stage reached in their consideration.

"3. The practice of including an agenda item on the seizure statement once it has been adopted at a formal meeting of the Security Council will remain the same. In this connection, the members of the Council recall paragraph 2 of the annex to the note by the President of the Security Council dated 19 July 2006, which states the desirability, whenever possible, of using descriptive formulations of agenda items at the time of their initial adoption and that, when such a descriptive formulation exists, consideration may be given to subsuming earlier agenda items on the same subject under the descriptive formulation.

"4. At the end of each year, the Security Council will review the seizure statement in order to determine if the Council has concluded its consideration of any of the listed items, in particular those items that were considered for the first time that year, and whether, consequently, such items should be deleted from the seizure statement. Further, except as herein provided, any item which has not been considered by the Council during the preceding three calendar years will also be deleted.

"5. The preliminary annual summary statement issued in January of each year by the Secretary-General on matters of which the Security Council is seized will identify the items to be deleted from the list. The first seizure statement issued in March of each year will reflect the deletion of these items, unless a State Member of the United Nations notifies the President of the Security Council by the end of February of that year that it requests that an item remain on the seizure statement, in which case such item will remain on the seizure statement for one year, unless the Council decides otherwise.

"6. The deletion of an item does not imply that such an item cannot be taken up by the Security Council as and when it deems necessary in the future.

"7. The seizure statement will be presented in the format of two sections, as follows: one section comprising items which have been considered by the Security Council at a meeting during the preceding three-year period and another section comprising items which have not been considered at a meeting during the preceding three-year period but which the Council has decided to retain at the request of a Member State.

"8. The Security Council reconfirms that the first seizure statement of each month will contain a full, updated list of items of which the Council is seized. For intervening weeks, a weekly addendum to the summary statement will be issued listing only those items on which further action has been taken by the Council during the previous week or indicating that there has been no change during that period.

"9. The Security Council reconfirms that references given for each item listed in the seizure statement will be the dates when the item was first taken up by the Council at a formal meeting and the most recent formal meeting of the Council held on that item."

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[377] S/2008/847.

[378] S/2006/507.

[379] S/2007/749.

On 6 January 2009, the President of the Security Council issued the following note:[380]

"Pursuant to paragraph 4 (*b*) of the note by the President of the Security Council dated 30 October 1998,[381] and after consultations among the members of the Council, it was agreed to elect the Chairmen and Vice-Chairmen of subsidiary bodies for the period ending 31 December 2009 as follows:

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Chairman: Claude Heller (Mexico)
Vice-Chairmen: Croatia and Libyan Arab Jamahiriya

Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

Chairman: Le Luong Minh (Viet Nam)
Vice-Chairmen: Libyan Arab Jamahiriya and Turkey

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Chairman: Thomas Mayr-Harting (Austria)
Vice-Chairmen: Burkina Faso and Russian Federation

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Chairman: Neven Jurica (Croatia)
Vice-Chairmen: France, Russian Federation and Viet Nam

Security Council Committee established pursuant to resolution 1518 (2003)

Chairman: Michel Kafando (Burkina Faso)
Vice-Chairman: Japan

Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

Chairman: Giadalla Ettalhi (Libyan Arab Jamahiriya)
Vice-Chairmen: Turkey and Uganda

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Chairman: Baki İlkin (Turkey)
Vice-Chairmen: Costa Rica and Viet Nam

Security Council Committee established pursuant to resolution 1540 (2004)

Chairman: Jorge Urbina (Costa Rica)
Vice-Chairmen: Croatia, Mexico and United Kingdom of Great Britain and Northern Ireland

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[380] S/2009/2.

[381] S/1998/1016.

Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Chairman:	Claude Heller (Mexico)
Vice-Chairmen:	Austria and Uganda

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Chairman:	Thomas Mayr-Harting (Austria)
Vice-Chairmen:	Croatia and Mexico

Security Council Committee established pursuant to resolution 1636 (2005)

Chairman:	Michel Kafando (Burkina Faso)
Vice-Chairmen:	Austria and Viet Nam

Security Council Committee established pursuant to resolution 1718 (2006)

Chairman:	Baki İlkin (Turkey)
Vice-Chairmen:	Costa Rica and Libyan Arab Jamahiriya

Security Council Committee established pursuant to resolution 1737 (2006)

Chairman:	Yukio Takasu (Japan)
Vice-Chairmen:	Burkina Faso and Costa Rica

Working Group on Peacekeeping Operations

Chairman: Yukio Takasu (Japan)

Ad Hoc Working Group on Conflict Prevention and Resolution in Africa

Chairman: Francis K. Butagira (Uganda)

Working Group established pursuant to resolution 1566 (2004)

Chairman: Neven Jurica (Croatia)

Working Group on Children and Armed Conflict

Chairman: Claude Heller (Mexico)

Informal Working Group on Documentation and Other Procedural Questions

Chairman: Yukio Takasu (Japan)

Informal Working Group on International Tribunals

Chairman: Thomas Mayr-Harting (Austria)"

In a letter dated 6 January 2009, the President of the Security Council informed the Secretary-General of the selection of Burkina Faso and Mexico as the two members of the Council's elected member category for the Organizational Committee of the Peacebuilding Commission for a term of one year, until the end of 2009.[382]

On 18 February 2009, the President of the Security Council issued the following note:[383]

> "After consultations among the members of the Security Council, it was agreed to elect the Chairman of the following subsidiary body for the period ending 31 December 2009:
>
> *Ad Hoc Working Group on Conflict Prevention and Resolution in Africa*
>
> Ruhakana Rugunda (Uganda)"

On 17 March 2009, the President of the Se[illegible] Council issued the following note:[384]

> "After consultations among the members of the Security Council, it was agreed to elect the Chairman of the following committee for the period ending 31 December 2009:
>
> *Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia*
>
> Abdurrahman Mohamed Shalgham (Libyan Arab Jamahiriya)
>
> Turkey and Uganda will continue to serve as Vice-Chairmen for the said period."

CONSIDERATION OF THE DRAFT REPORT OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

Decision

At its 6007th meeting, on 30 October 2008, the Security Council considered the item entitled "Consideration of the draft report of the Security Council to the General Assembly".

The decision of the Council was reflected in the following note by the President:[385]

> "At its 6007th meeting, held on 30 October 2008, the Security Council considered its draft report to the General Assembly covering the period from 1 August 2007 to 31 July 2008. The Council adopted the draft report without a vote."

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[382] The letter, which was issued as a Security Council document under the symbol S/2009/168, has been reproduced on page 241 of the present volume.

[383] S/2009/181.

[384] S/2009/182.

[385] S/2008/678.

INTERNATIONAL COURT OF JUSTICE[386]

Election of five members of the International Court of Justice (S/2008/502, S/2008/503 and Add.1 and 2 and S/2008/504)

Decision

On 6 November 2008, the Security Council, at its 6011th and 6012th meetings, and the General Assembly, at the 39th and 40th plenary meetings of its sixty-third session, elected five members of the International Court of Justice to fill vacancies occurring on the expiration of the terms of office of the following judges:

Mr. Ronny Abraham (France)

Mr. Awn Shawkat Al-Khasawneh (Jordan)

Ms. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)

Mr. Gonzalo Parra-Aranguren (Bolivarian Republic of Venezuela)

Mr. Raymond Ranjeva (Madagascar)

The following persons were elected as members of the International Court of Justice for a term of office beginning on 6 February 2009:

Mr. Ronny Abraham (France)

Mr. Awn Shawkat Al-Khasawneh (Jordan)

Mr. Antônio Augusto Cançado Trindade (Brazil)

Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland)

Mr. Abdulqawi Ahmed Yusuf (Somalia)

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[386] Resolutions or decisions on this question were first adopted by the Security Council in 1946.

Items included in the agenda of the Security Council for the first time from 1 August 2008 to 31 July 2009

NOTE: The practice of the Security Council is to adopt at each meeting, on the basis of the provisional agenda circulated in advance, the agenda for that particular meeting; the agenda as adopted for each meeting held during the period from 1 August 2008 to 31 July 2009 will be found in the records of the 5948th to 6175th meetings (S/PV.5948–6175).

The following list of items shows also the meetings at which the Council decided, during that period, to include in the agenda items that had not been inscribed previously.

Item	*Meeting*	*Date*
Implementation of the note by the President of the Security Council (S/2006/507)	5968th	27 August 2008
Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B		
United Nations Mission in the Central African Republic and Chad	5975th	19 September 2008
United Nations Integrated Mission in Timor-Leste	6129th	27 May 2009

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1834 (2008)	24 September 2008	The situation in Chad, the Central African Republic and the subregion	273
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1842 (2008)	29 October 2008	The situation in Côte d'Ivoire	213
1843 (2008)	20 November 2008	The situation concerning the Democratic Republic of the Congo	131
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1859 (2008)	22 December 2008	The situation concerning Iraq	246
1860 (2009)	8 January 2009	The situation in the Middle East, including the Palestinian question	5
1861 (2009)	14 January 2009	The situation in Chad, the Central African Republic and the subregion	276
1862 (2009)	14 January 2009	Peace and security in Africa	287
1863 (2009)	16 January 2009	The situation in Somalia	59
1864 (2009)	23 January 2009	Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council	261
1865 (2009)	27 January 2009	The situation in Côte d'Ivoire	217
1866 (2009)	13 February 2009	The situation in Georgia	94
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1873 (2009)	29 May 2009	The situation in Cyprus	18
1874 (2009)	12 June 2009	Non-proliferation/Democratic People's Republic of Korea	256
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